

AMENDMENTS TO SECTIONS 2 – 9 OF THE ZONING REGULATIONS

APPROVED JULY 27, 2016
EFFECTIVE JULY 30, 2016

*[Not all of the text presented below was amended.
Some un-amended text is presented here for ease of reading.]*

SECTION 2: ESTABLISHMENT OF ZONE(S) AND OFFICIAL ZONING MAP

Section 2.1 Establishment of Zones

For the purpose of promoting the public health, safety and general welfare, the Town of Newington, Connecticut, is hereby divided into the following zones:

R-20	Residential
R-12	Residential
R-7	Residential
R-P	Residential, Planned
R-D	Residential, Designed
B	Business
B-TC	Business, Town Center
B-BT	Business, Berlin Turnpike
I	Industrial
PD	Planned Development
CD	Commercial Development
PL	Public Land
WADD	Willard Avenue Development District.

2.1.1 “Zone” has the same meaning as "Zoning District" or "District."

Effective February 5, 1993 R-P zone deleted. All R-P Zones and approved site plans existing on this date remain valid but Site Plans; in accordance with Section 8-3(I) CT General Statutes, shall expire. For existing vacant R-P Zones the Special Permit Standards of Section 3.7 shall be followed.

Section 2.2 Provision for Zoning Map

2.2.1 The boundaries of all zones, as established herein and amended from time to time, are those shown on the Zoning Map, Town of Newington, Connecticut, and subsequent amendments thereto, filed in the office of the Town Clerk, which Map is part of these regulations. Any facsimile maps are not official and are for convenience only.

2.2.2 When, in accordance with the provisions of these regulations, changes are made in zone boundaries or other matter portrayed on the Zoning Map, such changes shall be made on the Zoning Map after the amendment has been approved by the Commission, together with an entry on the Zoning Map as

follows: "As amended to (date)," such date to be that of the most recent amendment.

2.2.3 Zone Boundaries

Where uncertainty exists as to the boundaries of zones as shown on the Zoning Map, the following rules shall apply:

- A. Boundaries indicated as approximately following the center lines of streets, highways, or alleys shall be construed as following such center lines.
- B. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- C. Boundaries indicated as approximately following town limit shall be construed as following town limits.
- D. Boundaries indicated as following railroad rights-of-way shall be construed as midway between the right-of-way.
- E. Boundaries indicated as approximately following the center lines of streams, brooks or other bodies of water shall be construed as following such center lines.
- F. If the above rules do not apply, the locations of zone boundaries shall be determined by scaling the Zoning Map.
- G. In any case of uncertainty, the Commission shall determine the location of the boundary.

SECTION 3: ZONE USE REGULATION

All uses permitted in this Section are subject to height and area requirements contained in Section 4, and all other applicable requirements of the Zoning Regulations.

Section 3.1 Uses Permitted in Any Zone

The following uses are compatible with any class of uses and are permitted in any zone. All such permitted uses shall comply with the appropriate height, area and site plan requirements of these regulations.

3.1.1 Public Library

3.1.2 Public Parks and Playgrounds

3.1.3 Farms, to include animal husbandry or horticultural uses, under the following conditions:

- A. All structures, except dwellings shall hereafter be located not less than 100 feet from any street line and 100 feet from any dwelling on an adjacent lot, except that this requirement shall not restrict fencing for pastures for horses and cows.

Roadside farm stands must be set back at least 20 feet from the street line and only produce grown on the premises may be sold.

- B. Commercial slaughtering, except animals raised on the premises, is prohibited. The keeping of any animal(s) other than house pets requires at least five (5) acres for such purpose.
- C. None of these uses shall create offensive odors, noise or unsightly appearance noticeable off the premises.
- D. A free standing sign not exceeding nine (9) square feet per side and not more than 8 feet maximum height advertising farm products grown or raised on the property may be permitted by Special Permit from the Commission.

3.1.4 Construction Trailers

Trailers used for business, office, and storage purposes in connection with a bonafide construction operation within the Town may be used for such purposes in any zone subject to the following requirements: Trailers in use for field offices or for storage of materials or equipment during the construction, alteration or repair of a building may, during the actual progress of such work, only be parked on the premises on which such work is being done. If for any reason whatever, such work shall cease for more than 90 days, such parked trailers shall be removed and shall not be returned unless such work is again in actual progress with appropriate permits. At the conclusion of a construction project all construction trailers shall be removed from the site within 30 days. (Effective 12-1-01 and 7-30-16)

Section 3.2 Special Permits Allowed in All Zones

The following uses are declared to possess such special characteristics that each must be considered as a special permit. They may be permitted by the Commission in any zone, subject to the following conditions and the provisions of Sections 5.2 and 5.3.

- 3.2.1 Churches and places of worship. Memorial gardens for the interment of cremains may be permitted as an accessory when located on the same property with the church or place of worship subject to the buffer requirements of Section 6.10.5 Places of worship when approved by special permit are permitted to have a residential quarter (for a family). The area of such quarters not to exceed 2000 sq. ft. All such uses must be included within a building or be accessory to the permitted principal use. (Effective 4-22-09)
- 3.2.2 Public utility installations needed for the public convenience and necessity.
- 3.2.3 State and Federal government activities.
- 3.2.4 Hospitals, sanitarium, rest homes, assisted living, senior independent living facilities, (Effective 12-1-01) convalescent or nursing homes, subject to the following standards.
 - A. Location

No site shall be approved unless it is on or within 300 feet of an arterial street as set forth in the Plan of Conservation and Development, and unless it is connected to public water and sewers.

B. Height of Buildings

No principal building may exceed the height of three (3) stories or 35 feet. No accessory building may exceed the height of 15 feet.

C. Site Area

One acre of site shall be required for each 20 patient beds or living units and in no case shall the site be smaller than 5 acres. (Effective 12-1-01)

D. Site Requirements

Minimum lot frontage shall be no less than 100 feet. Buildings shall be sited, and landscaping and buffer areas provided to assure maximum privacy to the residents and adjoining uses. Suitable recreation facilities, appropriate to the function of the use, shall be provided. (Effective 12-1-01)

3.2.5 Schools or colleges, but not including business schools or schools for special training, such as instrumental music, dancing, barbering or industrial pursuits in which machinery is used. All buildings or groups of buildings must be located on lots of not less than 5 acres and not less than 100 feet from any property line.

3.2.6 Commercial Wireless Communication Facilities subject to the following conditions: (Effective 12-13-97)

A. The order of preference for facility locations shall be:

On the existing structures such as buildings, water towers, ground signs with visual mitigation:

- 1) On existing approved towers in any nonresidential zone district. (Effective 12-01-01)
- 2) On property located within the Industrial, Planned Development, Berlin Turnpike Business and Commercial Development Zone districts and where topography, adjacent land use and vegetation will provide the greatest amount of screening;
- 3) On property within the Public Land Zone and municipal property or buildings where such facilities would not interfere with the use of property or be a public safety hazard.
- 4) Facilities will not be permitted in the R-20, R-12, R-7, B-TC and B Zone districts, except on existing approved towers. (Effective 12-01-01)

B. Antenna location and design standards:

- 1) Shall be attached only to an existing tower, a non-residential structure or building.
- 2) Shall not exceed a height of 15 feet above the highest part of the structure or building.
- 3) Panel antennas shall not exceed a height of six feet in height or two feet in width and shall not exceed more than two feet beyond the facade and not project five feet above the cornice line.
- 4) Satellite and microwave dish antennas shall not exceed six feet in diameter and shall be located or screened so as not to be visible from abutting public streets.
- 5) The Commission may require that the antenna, panels or dish be camouflaged and be of a material and color which matches the exterior of the building or structure upon which it is attached.

C. Lot area, height and tower construction standards:

- 1) When the wireless telecommunication tower will occupy the lot as a principal use the minimum lot area shall not be less than 40,000 square feet. Where it is proposed that the tower will be an accessory use to the principal use the lot area shall not be less than the requirement for the underlying zone.
- 2) The maximum height of a tower shall not exceed 130 feet including the antenna and all other appurtenances.
- 3) Unless co-locating on an existing tower wireless telecommunication towers shall be of a monopole design. The applicant shall submit a cross section of the tower showing its design and a description of its capacity to accommodate co-located antennas. A soils report for the tower location and certification by the applicant's professional engineer that the tower will collapse upon itself without encroachment upon adjoining property or danger of falling on adjacent structures shall be submitted with the application.
- 4) All towers shall be located a minimum distance from the property line at least equal to the height of the tower.
- 5) The Commission may require that monopoles be of such a design and color so that it can be camouflaged to resemble the surrounding landscape.

D. Application information and general standards:

- 1) All applicants for a commercial wireless telecommunication Special Permit shall submit proof that they hold a bonafide license from the Federal Communication Commission to provide telecommunication service in Connecticut.

- 2) A visual impact analysis of the proposed tower or antenna showing the relationship of the telecommunication facility to the immediate adjacent properties and structures as well as from distance view lines from at least one half mile radius of the proposed site shall be submitted. For co-location on an existing approved tower the applicant may request a waiver of a visual impact analysis from the Commission. (Effective 12-1-01)
- 3) A site selection justification statement which includes a description of the narrowing process that eliminated other potential sites or precluded co-location shall be submitted. This statement should address the applicant's plans to establish additional telecommunication sites within Newington and if the proposed site is not a preference 1 or 2 location an explanation of why a higher preference location is not feasible.
- 4) A commercial wireless telecommunication facility approved after the effective date of this section and not in use for 12 consecutive months shall be dismantled and removed by the service facility owner. This removal shall occur within 90 days of the end of such 12 month period. Upon removal the site shall be restored to its previous appearance and where appropriate re-vegetated to blend with the surrounding area.
- 5) The approval of an application for a special permit shall be void and of no effect unless construction of the project commences within one year from the date of the Commission's approval. The term "construction" pertains the installation of the monopole and support ground facilities.

3.2.7 Charitable, Religious, Social and Civic Events

The use is for the direct support of said local charitable, social, civic or religious group; provided that such use shall be limited by such restrictions and/or conditions as the Commission may impose.

3.2.8 Group Day Care Homes and Child Care Centers, and Adult Day Care Centers (Effective 12-1-01) subject to the following conditions:

- A. The lot shall have adequate size and frontage for the safe pick-up and drop off of users and sufficient on-site parking for staff and visitors. (Effective 12-01-01)
- B. All such uses shall be approved by the appropriate department of the State of Connecticut, and such approvals shall be presented prior to issuance of the certificate of occupancy. (Effective 12-01-01)
- C. Any permit issued under this section shall not be transferable, but may be revoked for good cause after a public hearing.
- D. A zoning permit will be issued for two (2) years and coincide with the state license or renewal date. The permittee must apply to the Zoning Enforcement Officer for permit renewal. The permit shall be issued without hearing upon verification that conditions of the Special Permit and site plan approval are in compliance. The permit shall become null and void if not renewed.

- E. Renewals shall be applied for no later than 45 days prior to expiration. The permit shall continue in effect until the renewal application is acted upon by the Zoning Enforcement Officer.
- F. If the proposed location of such use is in an existing one- or two-family detached dwelling, the following additional requirements shall apply:
 - 1) The building in which such use is conducted shall be occupied as the primary residence of the applicant.
 - 2) No announcement sign shall be permitted exceeding two (2) square feet in area.
 - 3) The building floor area devoted to the conduct of said activity shall not exceed twenty-five (25%) of the floor area of the building.
 - 4) Any parking proposed or required in excess of two (2) spaces shall be behind the building line and shall be so screened or hidden from view that no intrusion is made in the residential integrity of the neighborhood.
 - 5) The Commission shall review the application with specific attention to the impact of such use on the residential character of the neighborhood.

Section 3.3 Uses Permitted in All Residential Zones

In residential zones, buildings, structures and lots may be used and structures may be altered or erected for the following uses.

3.3.1 One-family detached dwellings.

3.3.2 Parking or storage of any boat, or any trailer, camper, or similar operable and registered recreation type vehicle is permitted in any residential zone, only in accordance with the following conditions: (Effective 12-01-01)

- A. No parking or storage of such vehicles is permitted in any front yard.
- B. Such parking or storage is permitted only to the owner-occupant or resident of the premises.
- C. No more than two such vehicles on any premises.
- D. No boat, trailer, camper, recreational vehicle may be parked or stored in any side yard without providing a 6-foot fence or planting installed between any permitted vehicle and the adjoining property. (Effective 12-01-01 and 7-30-16).
- E. No boat, trailer, camper, recreational vehicle over 35 feet long overall length or 10 feet high may be parked or stored in any rear yard. (Effective 12-01-01)
- F. In the case of condominium lots, such parking or storage is permitted at suitable screened, protected and surfaced areas which are designated on an approved site plan in accordance with Section 5.3.

- G. No parking or storage shall be permitted within or under temporary shelters, such as but not limited to bow houses, fabric shelters, canopies or tent type shelters supported by metal, wood or plastic framing. (Effective 12-01-01)

3.3.3 Use of residence for personal business purposes:

The use of a residence by the occupant for business purposes is permitted subject to the following requirements.

- A. No business is conducted on the premises except by mail, telephone or data terminal.
- B. No persons other than members of the resident family are employed in such activity.
- C. No external evidence of the business is visible.
- D. No business signs are erected.
- E. No pedestrian or automobile traffic other than that normally generated by a residence is permitted.
- F. See Section 3.4.4 (Home Occupation and Professional Office) to obtain approval of a proposed business that exceeds these requirements.

3.3.4 A driveway or walk for access to a business or industrial use only when no other access exists, and when the residentially-zoned property is in the same ownership as the business or industrial property.

Section 3.4 Special Permits Allowed in All Residential Zones

The following uses are declared to possess such special characteristics that each must be considered a special permit. They may be permitted by the Commission in any residential zone, subject to the following conditions and the provisions of Sections 5.2 and 5.3.

3.4.1 Golf course or country club whether operated as profit-making or non-profit, or other non-profit similar recreation uses including clubhouses, provided that:

- A. Such uses shall occupy not less than 10 acres.
- B. No land actively used for recreation or other purpose shall be located less than 50 feet from any property line.

3.4.2 Private Stables

Land and accessory buildings associated with a private residence may be permitted by the Commission for private equestrian use when located not less than 100 feet from any property line and having a minimum size of one acre for each animal in addition to the minimum lot area required for the zone in which the property is located. (Effective 12-01-01 and 7-30-16).

3.4.3 Commercial Stables

Land, buildings and other structures may be permitted by the Commission for commercial use involving the following horse-related activities: riding academies, livery and boarding stables, rental and hacking stables, providing the following standards or conditions are met.

- A. Acreage: The barns, riding rings, corrals and accessory facilities shall be contained within one parcel of suitably drained land consisting of at least 10 acres.
- B. Parking: Sufficient off-street parking facilities shall be provided to accommodate all users and visitors to the property, including spectators for horse shows and similar events. The roads for entering and leaving the property shall not be located or placed in a manner to create pedestrian or vehicular traffic hazard on any public street or highway. There shall be one off-street parking space for each 5 users of, or visitors to, the property, including spectators for horse shows and similar events.
- C. Health: Stable manure must not create a health hazard. No air or water pollution is permitted and no odor shall be present beyond the property boundary. The stabling of horses shall conform to all regulations of local and state health authorities. Toilet facilities shall be provided in accordance with local health requirements for normal operations as well as for horse shows and similar events.
- D. Safety: Adequate fencing shall be installed and maintained to reasonably contain the horses within the property.
- E. Fire: Fire control facilities for the barns, buildings and other facilities shall be acceptable to the Fire Marshal.
- F. Noise: The use of public address systems shall be controlled in order to avoid becoming a nuisance to surrounding neighbors, as determined by the Commission.
- G. Set Back: No building, riding ring, corral, manure pit, used for or in conjunction with the operation, shall be located in a manner that any part thereof shall be less than 100 feet from the nearest line of any road, street or highway abutting the property or any side or rear boundary line.
- H. Use of Buildings: The use of temporary buildings or trailers for the stabling of horses in excess of 15 days is prohibited.
- I. Maintenance: The area shall be landscaped so as to harmonize with the character of the neighborhood. The land shall be so maintained that it will not create a nuisance as determined by the Commission.

- 3.4.4 Home occupations and professional offices, such as, but not limited to, electronics and appliance repair, music, art, language or dance instruction, doctors, attorneys, accountants and architects in a dwelling subject to the following conditions:
- A. The dwelling shall be the full time residence of the person or persons conducting the home occupation or office; and there shall be no more than one non-resident person or employee engaged in the conduct of the office or occupation.
 - B. No evidence of the home occupation or professional office shall be visible outside the dwellings, except an announcement sign not to exceed 2 square feet is permitted.
 - C. The floor area for conduct of the home occupation and/or professional office shall not exceed 25 percent of the floor area of the dwelling.
 - D. Any parking proposed or required in excess of 2 cars shall be behind the building line and shall be so screened or hidden from view that no intrusion is made in the residential integrity of the neighborhood.
 - E. The home occupation or professional office shall not be detrimental to the health, safety, welfare and property values in the neighborhood, and to ensure this condition a zoning permit will be issued for 1, 2 or 3 years, starting on the approval date. The permit may be revoked for due cause after a public hearing. The permittee must apply for permit renewal and pay a permit application fee. The permit shall become null and void if not renewed. Renewals shall be applied for no later than 45 days prior to the expiration of the permit. The permit shall continue in force until the renewal application is acted upon by the Commission. Permits are not transferable.
 - F. For the purpose of this section home occupations and professional offices do not include personal service uses such as, but not limited to, pet grooming, barbers, hair salons, and nail salons. (Effective 12-01-01 and 7-30-16).
- 3.4.5 RESERVED.
- 3.4.6 Group homes and community residences (Effective 12-01-01) subject to the following conditions:
- A. Group homes run by non-profit organizations.
 - B. Group homes are expressly limited to the habitation by adult mentally or physically handicapped citizens with supervision provided by full time State-approved resident personnel. Criminal rehabilitation facilities are expressly prohibited.
 - C. For the purpose of this section, group homes and community residences which house fewer than six mentally or physically handicapped persons and necessary staff licensed by the State of Connecticut are exempt and shall be treated as a single family home. (Effective 12-01-01)
- 3.4.7 Conversion of Older Homes

Older, larger residential homes, which by contemporary standards are energy inefficient and whose conversion to smaller residential units could provide uses for the general public health and welfare, may be permitted by the Commission subject to the following conditions:

- A. The use of such homes and additions to such homes as may be approved shall be limited to residential uses only.
- B. Areas: The site shall be at least 20,000 square feet in size and the structure shall be at least 1,800 square feet in area. Individual units in the proposed multiple dwelling shall not be less than 600 square feet and shall include a full bath and kitchen. Basements shall not be used for living areas. At least 6,000 square feet of land area is required for each dwelling unit.
- C. Age: Only structures which were principally constructed prior to 1920 shall be eligible for conversion under this regulation.
- D. Parking: Paved parking shall be provided on the premises at the rate of one and one-half car spaces per dwelling unit. Parking shall be behind the front line of the principal structure.
- E. Additions: Expansion of the existing structure shall not exceed 20% of its current gross floor livable area. The architecture of the addition must be essentially the same as the existing structure.

Section 3.5 Uses Permitted in R-20, R-12 and R-7 Residential Zones

In R-20, R-12 and R-7 Zones, land and buildings may be used and buildings may be altered or erected to be used for the following purposes and no other:

- 3.5.1 One-family detached dwellings and accessory uses and structures.

Section 3.6 Special Permits Allowed in R-7 Residential Zones

The following uses are declared to possess such special characteristics that each must be considered a special permit. They may be permitted by the Commission subject to the following conditions, and the provisions of Sections 5.2 and 5.3.

- 3.6.1 Two-family attached dwellings and accessory uses and structures.
 - A. Each dwelling unit shall have individual and separate utility connections and/or meters in accordance with State, local and public utility regulation. Also, firewall protection, independent access to the attic and independent lighting in attic space.
 - B. For resubdivision of parcels containing existing duplex structures the petitioners shall receive certification from the Building Official that these utility services are separate. This certificate shall be obtained prior to submission of an application for resubdivision.

Section 3.7 Special Permits Allowed in R-12 and R-7 Residential Zone

The following uses are declared to possess such special characteristics that each must be considered special permits. They shall only be permitted by the Commission subject to the following conditions and standards, and the provisions of Sections 5.2 and 5.3.

3.7.1 Alternate residential building types

Alternate residential building types may be permitted as a special permit when, after a public hearing, the Commission makes a finding that such uses provide wider housing variety and choices, and when the following standards are satisfied:

A. Parcel Size

The minimum parcel size shall not be less than 10 contiguous acres. The applicant shall submit a Class A-2 Boundary Survey certifying the parcel area. Contiguous acres shall mean sharing a common boundary, but shall not include parcels separated by a Town Road or State highway.

B. Location

No site location shall be approved unless it is on or within 300 feet of an arterial street as set forth in the Town's Plan of Conservation and Development, and unless it is to be served by public water and sewer.

C. Density

At least 8,000 square feet of land area is required for every dwelling unit. Such computation of total number of dwelling units permitted on a site will be based on the usable area of the site. When, in the opinion of the Commission, geologic or topographic conditions, slopes in excess of fifteen (15%) percent gradient, inland wetlands and flood hazard areas render any portion of the site unsuitable for development, such portions of the site will not be used in computing the total number of dwelling units permitted but may be used to provide the required open space. (Effective 3-4-2011 and 7-30-16)

D. Building Types

Subject to the requirements of the Height, Area and Yard Requirements listed in Section 4, TABLE A the following building types are permitted:

- 1) Detached single family (patio houses)
- 2) Semi-detached dwellings (duplex houses)
- 3) Attached dwellings (townhouses)
- 4) For multiple family structures the maximum number of dwelling units per structure shall not exceed 12. (Effective 12-01-01)

E. Frontage

Frontage shall mean a linear distance measured along a street, principal driveway or parking lot. Where principal driveways or parking lots are used as frontage, there shall be a direct connection between such areas and a public street. Such connections must be entirely suitable for emergency vehicles as well as normal access services and needs. In the cases of patio houses, duplex houses and town houses, such direct connections shall be shown and described in the site development plan.

F. Court Yards

Court yards enclosed on all sides shall not be permitted, and no open court shall in the least dimension be less than 50 feet.

G. Open Space Area

Suitable common open space for the recreation of adults and children shall be provided and screened from driveways streets and parking access. At least 1000 square feet of open space shall be required per dwelling unit. Recreational space and facilities for pre-school children are required in suitably protected locations. A 30 foot rear area or yard suitable for outdoor living space shall be provided behind each living unit. In computing the required open space area the Commission shall be guided by the standard that at least twenty percent (20) of the common open space shall be useable for active recreational purposes and the balance may be designated for open space conservation protection.

H. Utilities

All electric and telephone utility installations shall be located underground, excepting required or necessary light standards, etc. Patio houses, duplex houses and townhouses shall have individual, separate and self-contained heating and/or air conditioning systems and separate meters.

I. Sidewalks

Sidewalks shall be installed along the frontage of public streets according to the Town of Newington standards.

J. Buffer Areas

A landscaped buffer area is required along any portion of the property which abuts single-family residential, commercial or industrial use, in accordance with Section 6.10. (Effective 12-01-01)

K. Roadway and Sidewalks

Roads proposed to remain private or for dedication as a public street shall be designed and constructed in accordance with the Newington Subdivision

Regulations. All improvements that will be deeded to the Town shall meet the requirements of the Standard Specifications published by the Town of Newington Engineering Department.

A private roadway system serving not more than 75 dwelling units may be permitted when approved by the Commission. Each private roadway shall connect to a public street. The private roadway shall have a pavement width of 30 feet and connections to parking areas, recreation areas, etc. shall be at least 24 feet in width.

Private sidewalks shall be at least 4 feet back from curbs, or may be 6 feet wide from the curb and parking areas. Sidewalks within the proposed development shall be concrete and at least 4 feet in width.

Sidewalks along drives and connections to parking areas shall be at least 4 feet back from curbs, or may be 6 feet wide from the curb and parking areas. Sidewalks within the proposed development shall be concrete and at least 4 feet width

L. Homeowners' Association

When common parking, private streets, and/or when common recreation areas and/or facilities are proposed or required, a homeowners' association will be required. The association must fulfill the following requirements:

- 1) The association must be limited to homeowners within the development.
- 2) Membership must be mandatory for each home buyer, and any successive buyer.
- 3) The open space restrictions must be permanent, not just for a given period of years.
- 4) The association must be responsible for liability insurance, local taxes, and the maintenance of recreational and other facilities.
- 5) Homeowners must pay their pro rata share of all maintenance costs, and the assessment levied by the association for such costs can become a lien upon the property.
- 6) The association must be able to adjust the assessment to meet changed needs.
- 7) The association must be so established that, in the event of dissolution, all open space shall be offered first to the town, and free of charge.
- 8) A draft of the proposed association documents must be submitted to the Commission for determination of adequacy in meeting the requirements prior to Special Permit approval.

3.7.2 Affordable Age-Restricted Housing for Seniors and Service Use Buildings (3-31-09 revised 7-30-16)

A. Statement of Purpose.

It is recognized that there is a growing need to provide appropriate affordable age-restricted housing opportunities for Newington's aging (55 or older) population.

B. Development Requirements

The following requirements are specifically designed for the development of affordable age-restricted senior housing sponsored by either the Newington Housing Authority, a non-profit developer, or a limited-profit developer for the health and welfare of the Town of Newington and its residents.

Recognition is hereby given to the special housing needs of senior persons. The following standards are determined to be suitable to the requirements of senior persons.

Since the above-described limitations apply particularly to seniors, a permit is herewith provided for housing approved and constructed under this section to be occupied solely by persons aged 55 or older, or persons associated with a head of household of that age by reason of marriage or kinship.

C. Standards

- 1) The minimum parcel size shall not be less than 2 contiguous acres. The applicant shall submit a Class A-2 Boundary Survey certifying the parcel area. Contiguous acres shall mean sharing a common boundary, but shall not include parcels separated by a Town Road or State highway.
- 2) The proposed site is on a bus line; or is within reasonable walking distance to facilities that serve the necessity and convenience of the senior person; or transportation is provided by the facility for its residents; or a dial ride service is provided.
- 3) The number of dwelling units shall not exceed 20 per acre. The proposed housing for the senior is not likely to have an adverse effect upon adjacent properties and other properties in the neighborhood.
- 2) Reasonable traffic circulation exists to and from the site, taking into consideration such items as amount of parking, location and access to parking traffic load, circulation problems on existing streets and access to the site in case of fire or catastrophe.

D. Affordability

- 1) The applicant shall submit documentation showing that the initial rent or dwelling unit purchase price will be within the limits set by the CT Housing Finance Authority.

- 3) The applicant shall execute documentation restricting the future rent or dwelling unit purchase price to within the limits set by the CT Housing Finance Authority.

3.7.3 Single Family Entry Level Housing

A. Statement of Purpose

It is recognized that there is a need to provide a range of housing opportunities for the citizens of Newington. It is also recognized that the regulation of building density and development design affect housing cost. To promote wider housing choices and to protect the public health, safety, convenience and property values, the following criteria, standards and conditions are established for the creation of Single Family Entry Level Housing.

B. Criteria

In evaluating the appropriateness of an application for a Special Permit under this Section, the Commission shall give consideration to, among other things, the following factors:

- 1) The supply of land available in the present zone.
- 2) The supply of affordable housing in the Town, which is defined as housing that does not cost the household more than 30% of area median income.
- 3) Demonstration by the applicant that affordable housing will be created and maintained.
- 4) The impact on surrounding property values.
- 5) Preservation of the character of existing neighborhoods.
- 6) The physical suitability of the land.
- 7) The environmental impact.
- 8) The impact on the capacity of the present and proposed utilities, streets, drainage systems, and other improvements.
- 9) The protection of historic factors.
- 10) Any other impacts on the surrounding area.

C. Standards for Use, Design and Development

The Commission may grant a Special Permit to allow higher density single family dwellings when it finds that the conditions for approval a Single Family Entry Level Housing will be met, as well as any other reasonable conditions that the Commission may impose.

In approving an application the Commission shall use its discretion as guided by the enabling language of Section 8-2 Conn. General Statutes, in particular consideration as to the character of the area and its suitability for higher-density single family homes and with a view to conserving the value of property and encouraging the most appropriate use of land throughout the municipality.

- 1) Each single-family house shall be on a separate subdivided lot and be intended for private ownership of house and lot.

- 2) All roads which are proposed to become Town-owned streets and all improvements which are constructed within public right-of-way or which are to be dedicated to the Town shall be constructed in accordance with the Subdivision Regulations except that the street design criteria for local road right-of-way may be reduced from 60 feet to 50 feet and the paved width may be reduced from 30 feet to 24 feet, provided that adequate off street parking is available and the street will not function as a collector road for abutting development.
- 3) The parcel proposed for Single Family Entry Level Housing shall contain not less than 10 contiguous acres. The applicant shall submit a Class A-2 Boundary Survey certifying the parcel area. Contiguous acres shall mean sharing a common boundary, but shall not include parcels separated by a Town Road or State highway.
- 4) The average lot size for building lots in the development shall not be less than 7500 square feet. The minimum lot size shall not be less than 6000 square feet. Each lot shall contain not less than 5500 square feet of ~~net~~ buildable area. (Effective 12-1-01)

Wetlands, flood hazard area and slopes in excess of 15 percent shall not be counted as buildable area. The Commission reserves the right to exclude proposed lots where major site grading will alter existing topography.

- 5) The minimum lot frontage shall be 70 feet. Depending on site conditions, house size, style and location of the house on the lot, frontage width may be further reduced to 60 feet for up to 25 percent of the approved lots.
- 6) The application for Single Family Entry Level Housing Special Permit shall include elevations of each proposed house style. The Commission reserves the right to approve the number of house styles and the placement of styles within the subdivision. Site design features such as staggered building setback and juxtaposition of buildings should be part of the subdivision site development plan.
- 7) The minimum side yards shall be 10 feet on one side and 5 feet on the other side, with the minimum spacing between houses not less than 15 feet. Front yard setback from the street right of way shall not be less than 35 feet. The minimum rear yard shall contain not less than 30 feet of usable area as defined in Subsection 6 above. (Effective 12-01-01).
- 8) Maximum lot coverage of building and parking and driveway surface shall not exceed 45 percent of the total lot area.
- 9) The Commission may waive Section 3.5.3 of the Subdivision Regulations to permit more than one rear lot when it finds that the location of the proposed rear lots are safe and accessible and that the siting of proposed houses will permit adequate rear yards for privacy and play space.

- 10) The Commission may require the developer to set aside up to 10% of the tract for open space (i.e. active recreation areas or passive conservation areas). The method of set aside shall be approved by the Commission.

D. Conditions

When granting a Special Permit for Single Family Entry Level Housing the Commission shall require the developer to comply with the following conditions and may impose other reasonable conditions to insure the project meets the intent of Section 3.7.3 (1) and will be compatible with the surrounding neighborhood, protect property values and not overburden public utilities and street system.

- 1) The developer of a Single Family Entry Level Housing project shall enter into a contract with the Newington Affordable Housing Monitoring Agency. Such contract shall require the developer to abide by the income criteria for Single Family Entry Level Housing to persons and families satisfying such income criteria as from time to time may be established.
- 2) A draft of the proposed contract with the Newington Affordable Housing Monitoring Agency shall be submitted at the time of the application for the Special Permit.
- 3) At the time of application for a Single Family Entry Level Housing Special Permit the developer shall submit a report with the schedule of proposed sale prices by unit size and type.

Section 3.8 Conversion of Rental Apartments to Condominiums or Town Houses.

Before any rental apartments may be converted to condominiums or townhouses, all requirements of the regulation and the following procedure must be complied with:

- 3.8.1 Application to amend the site development plan shall be filed with the Commission, containing the information required by these regulations.
- 3.8.2 Specific plans and statements, which identify and explain how utility, access and parking are be converted meet the standards of this regulation, are required
- 3.8.3 Approval: If all land use and planning standards are complied with, the Commission may approve the change in the site plan and such plan shall be signed by the Chairman of the Commission and shall show the date of such approval.

Section 3.9 Uses Permitted in R-D Residential Designed Zone

In R-D Zones, land and buildings may be used and buildings may be altered or erected to be used for the following purposes and no other.

- 3.9.1 Uses permitted may be any or all of those uses which are stated in Sections 3.5 and 3.7.

3.9.2 Procedure

- A. Before a lot or parcel of land in an R-D Zone may be used or a building erected, a Site Development Plan must be approved in accordance with this section as well as Section 5.3.
- B. Any application for a change to an R-D Zone must be accompanied by an application for site development plan approval, in accordance with Section 5.3. The public hearings shall be held on both applications simultaneously.

3.9.3 Applicable height, area and yard requirements shall be those required for the uses in Sections 3.5 and 3.7.

3.9.4 All electric and telephone utility installations shall be located underground, excepting required light standards, etc.

3.9.5 Sidewalks will be installed along the frontage of public streets according to the Town of Newington standard.

3.9.6 Allocation of Land Uses

The following minimum and maximum land use requirements must be met and shown on the site development plan.

- A. Permanent open space shall comprise at least 20 percent of the proposed parcel or lot and shall be an integral part of the overall design.
- B. Multi-family dwellings, as permitted in Section 3.7, shall not exceed 25 percent of the total area of the proposed parcel or lot.
- C. Single-family lots and uses meeting the R-12 Zone area and yard requirements shall not be less than 45 percent of the total area of the proposed parcel or lot.
- D. The overall density of the proposed parcel or lot shall not exceed 3.5 dwelling units per acre.

Section 3.10 Uses Permitted in B Business Zones

In B Business Zones, land and buildings may be used and buildings may be altered or erected to be used for the following purposes and no other. All such uses must be included within a building or structure or accessory to the permitted principal use. (Effective 12-01-01)

3.10.1 Permitted Uses

- A. Retail stores and trades including banks.
- B. Personal service shops or stores.
- C. Business or professional offices.
- D. Clubs or fraternal organizations.

3.10.2 Buffer Areas

A landscaped buffer area is required along any portion of the property which abuts single family residential use, in accordance with Section 6.10.5.

Section 3.11 Special Permits Allowed in B Business Zones

The following uses are declared to possess such special characteristics that each must be considered a special permit. They may be permitted by the Commission subject to the following conditions and the provisions of Sections 5.2 and 5.3.

- 3.11.1 Places of assembly for recreation, such as health clubs and dance studios. All such uses shall be completely enclosed in a building or structure or accessory to the permitted principal use. (Effective 12-01-01)
- 3.11.2 Funeral parlors or mortuaries.
- 3.11.3 DELETED (EFFECTIVE 8-15-07) RESERVED, FORMERLY AUTO RELATED USES.
- 3.11.4 Services which customarily use specialized equipment, such as printers, dry cleaners, and the like.
- 3.11.5 Coin-operated games and devices may be allowed, not to exceed 10 in number in any single place of recreation, amusement, or the like, as an accessory use to the principal activity.
- 3.11.6 Restaurants (excluding drive-in or curb services restaurants.) Restaurants may offer outside temporary seasonal seating areas when approved by the Commission. (Effective 12-01-01)
- 3.11.7 A Fueling Station located within a Shopping Center and subject to the following requirements:
 - A. Shopping Center shall have a principal building containing a Supermarket Grocery Store occupying not less than sixty thousand (60,000) square feet as its Principal Tenant.
 - B. The Fueling Station must be on the Shopping Center Premises or it must be on property that abuts and is adjacent to the Shopping Center.
 - C. Principal Tenant must be the beneficiary of the Special Permit
 - D. Any Special Permit shall be subject to all of the provisions of Section 5.2 of these Regulations;
 - E. The Fueling Station shall be serviced by a building containing not more than two hundred (200) square feet.

- F. The sale of products shall be limited to gasoline, diesel fuel, fuel oil in enclosed containers, antifreeze, natural gas for use in an internal combustion engine, electricity used to power motor vehicles and compressed air for filling tires.
- G. No other products may be sold on the premises other than as may be sold through vending machines which shall be located inside the building.
- H. There shall be no repairs or vehicle maintenance performed on the premises.
- I. The location of the Fueling Station shall be subject to receipt of a Certificate of Approval in accordance with Section 6.11 excluding the provisions of Sections 6.11.6 and 6.11.8.
- J. No outside storage of any motor vehicles shall be permitted.
- K. There shall be no outdoor display of merchandise, except that motor oil and other fluids for motor vehicles may be displayed on racks, designed therefore, immediately adjacent to the building.
- L. Storage tanks for gasoline and other motor vehicle fuels shall be located underground in compliance with pertinent state and local codes and regulations.
- M. There shall be no storage and or dumping of waste materials.
- N. There shall be no sleeping quarters in the building.
- O. The sign provisions of Section 6.2 shall apply.
- P. There shall be no direct ingress or egress from or to any street or highway from the Fueling Station location. All ingress and egress shall be from within the shopping center over internal drives established for that purpose.
- Q. The architectural style and design of the Fueling Station building (including but not limited to the canopy over the pumps) shall be approved by the Commission and shall be compatible with the architectural style and design of the primary buildings of the Shopping Center of which it is to be a part.
- R. In addition to the standards required pursuant to Section 5.2.6, the Commission shall also consider: whether the Fueling Station will increase competition and improve the pricing of fuel to consumers; whether it will have a favorable impact on local street traffic flow by virtue of its internal location; whether the fact that most of the customers will already be entering and exiting the roadway for other purchases at other retail units within the Shopping Center and not generating additional traffic; and whether there is a traffic signal at the intersection of the internal drive and the adjoining street to regulate traffic from the use. (Effective 3-4-14)

Section 3.12 Uses Permitted in B-TC Business Town Center Zone

In the B-TC (Business Town Center) Zone, land and buildings may be used and buildings may be altered or erected to be used for the following purposes and no other. All such uses must be included within a building or structure or accessory to the permitted principal use. (Effective 12-01-01)

3.12.1 Permitted Uses

- A. Any use which shall be permitted in a B Business Zone Section 3.10.

Except the following: amusement enterprises, including billiard and poolrooms, bowling alleys, dance halls, skating rinks, arcades and video rooms; wholesale and/or storage of petroleum products, coal and sand, stone.

- B. Parking Lots

- C. Food preparation, caterers, and bakeries.

- D. Corporate headquarters, research and development uses.

- E. Theaters, places of assembly for recreation and entertainment except as excluded in (A) above. (Effective 12-01-01)

3.12.2 Procedure

- A. Before a lot or parcel of land in a B-TC Zone may be used or a building erected, altered or changed in use, a site development plan must be approved in accordance with this section as well as Section 5.3.

- B. Any application for change to a B-TC Zone must be accompanied by an application for site development plan approval in accordance with Section 5.3. The Commission will consider both applications simultaneously, within the appropriate public notice and scheduling procedures

3.12.3 Frontage and Lot Area

At least 100 feet of frontage on a public street is required for each lot, excepting that a lot which deeds a portion of its development site to the Town as a part of the Municipal Parking Lot, and makes site improvements in accordance with the Municipal Parking Lot Plan, may have a frontage and lot area less than required, in accordance with the Parking Lot Plan and as specifically approved by the Commission. See Section 4. Table B.

3.12.4 Buffer

No building, parking or loading shall be located within 25 feet of a residential zone boundary. A buffer meeting the requirements of Section 6.10 is required whenever the use adjoins a residential zone. When the zone boundary follows the centerline of the street the 25 foot buffer shall be measured along the nonresidential side of the street right of way.

3.12.5 Utilities

All electric and telephone utility installations shall be located underground, excepting required or necessary light standards.

3.12.6 Sidewalks

Sidewalks shall be installed along the frontage of public streets according to the Town of Newington standards.

Section 3.12A Town Center Village Overlay District (Effective 12-4-02)

General: The use of land, buildings and other structures within the Town Center Village Overlay District shall be established and conducted in conformity with the underlying zoning classification of the Business Town Center Zone (B-TC) subject to the additional requirements of this Section. No lot shall be used, any new building constructed, nor any existing building substantially improved until the Commission makes a determination that it complies with the procedures and informational requirements of this Section.

3.12.A.1 Purpose

The purpose of this Section is to provide for design review within the Business Town Center Zone in accordance with the provisions of the Village District Act, Section 8-2j of the Connecticut General Statutes. This review is not intended to discourage or prohibit the use of property; rather its purpose is to enhance the character, landscape and architectural quality of Center consistent with the Plan of Conservation and Development's Town Center Design Component and supplemental design standards contained in Newington Center's Design Guidelines, December 7, 2000.

3.12.A.2 Activities and Uses Covered

Any new building construction, substantial building improvement, free standing sign, as defined in Section 9, change of use which requires site plan or special permit approval as required by these Regulations and which is located within the Business Town Center Zone is subject to the architectural requirements of, and eligible for the special provisions of, the Town Center Village Overlay District. Review of each new building, substantial building improvement, or change of use shall cover the following to the satisfaction of Commission:

- A. The design and placement of the building in relationship to the adjacent buildings and public streets.
- B. The maintenance of public views.
- C. The use of paving materials, sidewalk treatments and landscape enhancements.
- D. Façade improvements based on the design guidelines for the Town Center. These improvements include both facades facing a public street, as well as the municipal parking lot.
- E. The color, size, height and proportion of new buildings and proposed modifications to existing buildings.
- F. Parking layout, sidewalk location and pedestrian accessibility.

- G. Signs, both free standing and attached to building façade.
- H. Lights, both free standing and attached to building façade.
- I. Awnings, and awning signs.

3.12.A.3 Procedure

All applications for new construction or substantial improvement that require site plan or special permit approval within the Business Town Center Zone shall include the information contained in this Section 3.12.A.4. This information shall be submitted to the Town Planner for review and report to the Commission within 35 days of receipt of the application. This report and recommendations shall be entered into the public record and considered by the Commission in making its decision. Failure of the Town Planner to report within the 35 day time limit shall not alter or delay any other time limit imposed by these regulations.

3.12.A.4 Application

Application for site plan and/or special permit approval within the Business Town Center Zone shall include the following information.

- A. Description of materials: Color and texture of major building materials, exterior wall elevations of all adjacent structures, drawn at a minimum scale of 1 inch equals 8 feet. In lieu of drawings photos may be submitted.
- B. Streetscape Facades: Detailed drawing showing design, color, texture and type of materials of proposed building façade facing the public street and, if applicable, the municipal parking lot drawn at a minimum scale of 1 inch equals 8 feet.
- C. Signs: Detailed drawing showing design, size, color, texture and type of materials. Lettering style, size and color for wall signs shall also be included as well as the illumination and light intensity. The uniformity of the signs, placement and size consistency with adjacent signs shall also be presented. Monument ground signs shall be colonial in design, made of brick and shall not exceed a total height of 12 feet. (Effective 8-15-08)
- D. Utilities: The location of all utilities serving the building such as transformers, HVAC units, gas and electric meters.
- E. Location: The placement of new or substantially improved buildings in relationship to surrounding properties, public views from roadways and nearby public spaces and parking.
- F. Lighting: The design, location and illumination of buildings and light standard fixtures and their consistency with Town Center light styles.
- G. Compatibility: A statement of the proposed new building's or substantially improved building's compatibility with the surrounding area, with the design guidelines adopted for the Town Center Village Overlay District area, or with

the “Connecticut Historical Commission – The Secretary of the Interior’s Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings, as revised; and the Town Center Design Component set forth in the Newington Plan of Conservation and Development, 1995 - 2005.”

3.12.A.5 Special Provisions:

Properties which meet the requirements of the Town Center Village Overlay District Design Standards will be eligible to use the following incentives to facilitate their improvements subject to the approval of the Commission:

- A. May reduce front yard setback from 25’ to 15’, except that properties on Main Street, Market Square and Lowrey Place shall be permitted to locate new and substantially improved buildings closer to the street right of way at a distance compatible with adjacent buildings. (Effective 7-19-07)
- B. New construction and substantially improved building(s) which abut the Municipal Parking lot and provide access and pedestrian sidewalk from the lot may not be required to provide additional new parking and may be permitted to share the existing Municipal Lot parking.
- C. The parking ratio, at the discretion of the Commission, may be lowered from 6 spaces per 1000 sq. ft. gross floor area to 3.5 spaces per 1,000 sq. ft. gross floor area for retail, office, personal service and business service uses, and to 4.0 spaces per 1000 sq. ft. for medical office uses.
- D. Side yard setback requirements may be eliminated to permit “0” lot line development when the proposed building can demonstrate compliance with applicable building and fire safety code.
- E. The minimum frontage and lot area may be modified by the Commission when it determines the development project is compatible with the surrounding properties, adds to a block of buildings that create a strong street edge, and creates a street level store front.

3.12.A.6 If the Commission grants or denies an application it shall state upon the record the reasons for its decision. If a commission denies an application, the reason for the denial shall cite the specific regulations under which the application was denied. Notice of the decision shall be published in a newspaper having a substantial circulation in the municipality. An approval shall become effective in accordance with subsection (b) of Section 8-3c of the Connecticut General Statutes.

3.12.A.7 No approval of a commission under this section shall be effective until a copy thereof, containing the name of the owner of record, a description of the premises to which it relates and specifying the reasons for its decision, is recorded in the Newington land records.

Section 3.13 Special Permits Allowed in B-TC Business Town Center Zone

The following uses are declared to possess such special characteristics that each must be considered a special permit. They may be permitted by the Commission, subject to the following conditions and the provisions of Sections 5.2. and 5.3.

These uses, with their permitted density and height, are closely associated with the community business center and such use must be subject to the following standards to protect against depreciation of neighboring property and to promote the community welfare. All such uses shall be included within the building or structure or accessory to the permitted principal use.

3.13.0 Special Permit Uses

- A. Any use which shall be permitted by Special Permit in a B Business Zone in Section 3.11

3.13.1 Unrestricted Multi-family Residential Buildings

A. Permitted Uses

Residential apartment and/or condominium buildings (and their necessary accessory facilities.)

B. Location

No site location shall be approved unless it will be serviced by public sewers and water supply.

C. Frontage, Lot Area and Density

The minimum lot frontage width shall be 200 feet and the lot shall contain at least 2,500 square feet of land area for every dwelling unit. Properties which donate land to the Municipal Parking lot may calculate density based on the size of the property prior to donation. (Effective 8-15-07)

D. Height of Buildings

No principal building shall exceed a height of 3 stories, and no accessory building shall exceed a height of 15 feet.

E. Spacing of Buildings

Buildings shall not be closer than the average height of such similar buildings except as permitted by Section 4.4.5 (B).

F. Dwelling Units

The basement shall not be occupied as living quarters.

G. Parking Space

In addition to the requirements of Section 6.1 no garage or parking space shall be nearer than 30 feet from any street right of way. Parking under a building may be permitted.

H. Fire Protection

- 1 Standpipes for fire protection with hoses on each floor shall be provided, sized in accordance with standards of the National Fire Protection Association.
- 2 Automatic sprinklers with sprinkler alarms shall be provided in all stairwells, corridors, basements and in all retail service and office spaces.

3.13.2 Residential Buildings for the Elderly

- A. Residential buildings designed for the needs of the elderly shall be designed specifically for elderly residents in conformance with applicable State and Federal regulations. Occupancy of units in such housing shall be limited to persons 55 years of age or older; occupancy of a unit by a person, related by kin or blood, less than 55 years of age, may be permitted if such unit is also occupied by a person who is 55 years of age or older.

B. Community Space

Community spaces shall be provided for the special needs of residents either on each floor or in a central, easily accessible area. Such spaces shall be adequate in size, layout and furnishings for the social and community needs of the residents.

C. Site area

At least 725 square feet of land area shall be provided for each dwelling unit.

3.13.3 Apartments in Business Buildings

- A. Apartments may be permitted on the second and third floors of business buildings.

B. Standards

Apartments in business buildings can provide housing accommodation fulfilling a community need, providing the following conditions are met.

- 1 In addition to building code requirements, each apartment shall have unobstructed access to the outside, separate from any business use or activity.
- 2 Sound proofing shall be designed and installed to isolate the normal sounds of business activity from the apartments.

- 3 At least 1000 square feet of land area is required for each dwelling unit. Properties which donate land to the Municipal Parking lot may calculate density based on the size of the property prior to donation. (Effective 12-01-01)

3.13.4 Parking Garage

3.13.5 Bonus for Affordable Housing

The Commission may authorize a reduction in the minimum site area to 750 square feet for every unit of affordable housing.

Approval of a Special Permit request increasing the density for affordable housing shall be conditional upon the following:

- A. The execution by the owner of a covenant shall be recorded in the Newington land records and be enforceable by the Town.
- B. The identification on the building plans of the specific units to be affordable. Such units shall be of comparable size and workmanship as other units in the building.
- C. The owner shall enter into a contract with the Town agency designated to implement the affordable housing program consenting to the dedication of a specific number of affordable units. Such contract shall be modeled after the criteria outlined in Public Act 88-338 "An Act Promoting the Development of Affordable Housing."

Said contract shall contain income criteria, sale price or rent levels for affordable housing as defined by State of Connecticut Affordable Housing Program or any compatible program designated by the Town of Newington.

3.13.6 Traffic and Parking Management Plan

In addition to the provisions of Section 5.2 and 5.3, applicants for Special Permit uses in the B-TC Zone shall submit a Traffic and Parking Management Plan which addresses the following items.

- A. Traffic impact analysis containing present roadway conditions, existing and projected traffic volumes (ADT, A.M. and P.M. Peaks), existing volume capacity ratios, existing and projected levels of services, site generated traffic and distribution and accident experience.
- B. Parking analysis which contains number of spaces for the proposed development as required by these regulations, the location of the proposed parking, provisions for joint use parking arrangement if any, submission of written agreements for joint use or off-site parking if any, provisions for alternative modes of transportation such as van pools, varied work shifts, public transit.

Section 3.14 Uses Permitted in B-BT Business Berlin Turnpike Zone

In B-BT Business Berlin Turnpike Zone, land and buildings may be used and buildings may be altered or erected to be used for the following purposes and no other. All such uses must be included within a building or structure or accessory to the permitted principal use.

3.14.1 Permitted Uses

- A. Any use which shall be permitted in a B Business Zone Section 3.10.
- B. Contractors' equipment sales or service. (Effective 12-01-01)
- C. Hotels and motels up to a height of 4 stories or 45' (Effective 1-15-07)
- D. Light industrial operations, such as assembly of components.

3.14.2 Procedure

- A. Before a lot or parcel of land in a B-BT Zone may be used or a building erected, altered or changed in use, a Site Development Plan must be approved in accordance with this section as well as Section 5.3.
- B. Any application for a change to a B-BT Zone must be accompanied by an application for site Development Plan approval in accordance with Section 5.3. The Commission will consider both applications simultaneously, within the appropriate public notice and scheduling procedures.

3.14.3 Buffer

No parking or loading shall be located within 25 feet of a residential zone boundary. A buffer meeting the requirements of Section 6.10.5 is required whenever the use adjoins a residential zone. However, the Commission may waive this requirement in part for good cause. The reasons for any such waiver shall be made a part of the Commission Record pursuant to Section 6.10.5 (c).

3.14.4 Utilities

All electric and telephone utility installations shall be located underground, excepting required or necessary light standards.

Section 3.15 Special Permits Allowed in B-BT Business Berlin Turnpike Zone

The following uses are declared to possess such special characteristics that each must be considered a special permit. They may be permitted by the Commission subject to the following conditions and the provisions of Section 5.2 and 5.3. All such uses must be included within a building or structure or accessory to a permitted principal use.

- 3.15.1 Veterinary Hospitals and kennels but only when the kennel is operated as accessory to the veterinary hospital. (Effective 12-01-01)
- 3.15.2 Theaters (Effective 12-01-01)
- 3.15.3 Restaurants for consumption of food prepared and served within the building at tables or counters and at outside seating areas when approved by the commission; and restaurants where food is prepared within the building and sold to customers for takeout and consumption off site. (Effective 7-8-98)
- 3.15.4 Drive Through Restaurants (Effective 4-6-2011)
Restaurants where food and/or beverages, excluding alcohol, are offered to customers from drive through service, walk up window service or service to customers while seated in their vehicles provided the following requirements are complied with. These requirements are in addition to the provision set forth in Section 5.2 and Section 5.3.
- A. Traffic impact analysis describing peak hours of operations, volume of customers per hour, stacking lane length needed for the anticipated volume of drive through vehicles, turning movements, roadway capacity and level of service of nearby streets.
 - B. Driveway locations shall be spaced at least 150 feet from a Corner intersection. The Commission may limit the number of driveways with adjacent properties and/or inter property driveway connections when the reduction of curb cuts is deemed to improve safety.
 - C. Drive through windows shall be located only on one side of the proposed restaurant building and shall be positioned to minimize conflicts with doorways and pedestrians.
 - D. The restaurant structure and drive through service menu board (order intercom) shall be located not less than 300 feet from any adjacent residential structures.
- 3.15.5 Night Clubs (including discotheques, cabarets, bistros and similar places of entertainment)
- 3.15.6 Places of physical activity or recreation such as gyms, training facilities, health clubs, and bowling alleys.
- 3.15.7 Places of passive amusement enterprises, but excluding arcades except that up to 10 coin operated games may be permitted as an accessory use. (Effective 12-01-01)
- 3.15.8 In addition to the provisions of Section 5.2 and 5.3, applicants for retail developments in excess of 40,000 square feet of gross floor area shall submit a traffic impact report which addresses the following:
- A. Traffic impact analysis containing present roadway conditions, existing and projected traffic volumes (ADT, A.M. and P.M. Peaks), existing

volume capacity ratios, existing and projected levels of services, site generated traffic and distribution and accident experience. Impacts on streets that maybe affected by the proposed developments shall be identified and proposed mitigation measures presented for Commission consideration.

- 3.15.9 Motor vehicle service uses in accordance with Section 6.11 and Sections 5.2 and 5.3 of the Zoning Regulations. (Effective 08/11/2012)
- 3.15.10 Fueling Stations located within, or on property adjacent to a Shopping Center and subject to the following requirements:
- A. Shopping Center shall have a principal building containing a Supermarket Grocery Store occupying not less than sixty thousand (60,000) square feet as its Principal Tenant.
 - B. The Fueling Station must be on the Shopping Center Premises or it must be on property that abuts and is adjacent to the Shopping Center.
 - C. Principal Tenant must be the beneficiary of the Special Permit.
 - D. Any Special Permit shall be subject to all of the provisions of Section 5.2 of these Regulations.
 - E. The Fueling Station shall be serviced by a building containing not more than two hundred (200) square feet.
 - F. The sale of products shall be limited to gasoline, diesel fuel, fuel oil in enclosed containers, antifreeze, natural gas for use in an internal combustion engine, electricity used to power motor vehicles and compressed air for filling tires.
 - G. No other products may be sold on the premises other than as may be sold through vending machines which shall be located inside the building.
 - H. There shall be no repairs or vehicle maintenance performed on the premises.
 - I. The location of the Fueling Station shall be subject to receipt of a Certificate of Approval in accordance with Section 6.11 excluding the provisions of Sections 6.11.6 and 6.11.8.
 - J. No outside storage of any motor vehicles shall be permitted.
 - K. There shall be no outdoor display of merchandise, except that motor oil and other fluids for motor vehicles may be displayed on racks, designed therefore, immediately adjacent to the building.
 - L. Storage tanks for gasoline and other motor vehicle fuels shall be located underground in compliance with pertinent state and local codes and regulations.

- M. There shall be no storage and or dumping of waste materials.
- N. There shall be no sleeping quarters in the building.
- O. The sign provisions of Section 6.2 shall apply.
- P. There shall be no direct ingress or egress from or to any street or highway from the Fueling Station location. All ingress and egress shall be from within the shopping center over internal drives established for that purpose.
- Q. The architectural style and design of the Fueling Station building (including but not limited to the canopy over the pumps) shall be approved by the Commission and shall be compatible with the architectural style and design of the primary buildings of the Shopping Center of which it is to be a part.
- R. In addition to the standards required pursuant to Section 5.2.6, the Commission shall also consider: whether the Fueling Station will increase competition and improve the pricing of fuel to consumers; whether it will have a favorable impact on local street traffic flow by virtue of its internal location; whether the fact that most of the customers will already be entering and exiting the roadway for other purchases at other retail units within the Shopping Center and not generating additional traffic; and whether there is a traffic signal at the intersection of the internal drive and the adjoining street to regulate traffic from the use. (Effective 3-4-14)

Section 3.16 Uses Permitted in I Industrial Zones

In I Industrial Zones, land and buildings may be used and buildings altered or erected to be used for the following purposes and no other. All such uses must be within a building or structure or accessory to a permitted principal use. (Effective 12-01-01)

3.16.1 Permitted Uses

- A. Manufacturing, processing or assembly of components or goods.
- B. Warehouse, storage or wholesaling within the principal building.
(Effective 12-01-01)
- C. Office and financial uses.
- D. Public utility facilities.
- E. Veterinary hospitals and kennels when operated as accessory to the veterinary hospital. (Effective 12-01-01)
- F. DELETED (EFFECTIVE 8-15-07) RESERVED, FORMERLY AUTO RELATED USES. (See Section 3.17.8)

- G. Personal and business services.
- H. Trucking terminals. (Effective 12-01-01)
- I. Contractors' storage yards. (Effective 12-01-01)
- I. Construction equipment sales and service.
- J. Other industrial operations similar to those listed above, provided that such uses do not produce or emit objectionable dust, noise or vibrations, smoke, refuse matter, odor, gas or fumes, or have dangerous or offensive characteristics.

3.16.2 Procedure

- A. Before a lot or parcel of land in an I Zone may be used or a building erected, altered or changed in use, a Site Development Plan must be approved in accordance with this section as well as Section 5.3.
- B. Any application for change to an I Zone must be accompanied by an application for Site Development Plan approval in accordance with Section 5.3. The Commission will consider both applications simultaneously within the appropriate public notice and scheduling procedures.

3.16.3 Buffer

No parking shall be located within 25 feet of a residential zone boundary. A buffer meeting the requirements of Section 6.10 is required whenever the use, structure, raw materials, outside storage, maintenance area, etc., but not limited to the foregoing, adjoins a residential zone. When the zone boundary follows the centerline of the street the 25 foot buffer shall be measured along the nonresidential side of the street right of way.

3.16.4 Utilities

All electric and telecommunication utility installations shall be located underground, excepting required or necessary lighting.

3.16.5 Sidewalks

Sidewalks shall be installed along the frontage of public streets when determined to be necessary by the Commission.

Section 3.17 Special Permits Allowed in I Industrial Zones

The following uses are declared to possess such special characteristics that each must be considered a special permit. They may be permitted by the Commission subject to the following conditions and the provisions of Sections 5.2 and 5.3. All such uses must be

included within a building or structure or accessory to a permitted principal use. (Effective 12-01-01)

3.17.2 Fraternal organizations (Effective 12-01-01)

3.17.3 DELETED (EFFECTIVE 8-15-07) RESERVED, FORMERLY RETAIL STORES AND TRADE.

3.17.4 Helipad Facility

Use of land for a helipad facility may exist as an accessory use and shall meet the following standards:

- A. The size of the helipad shall be based on FAA design criteria as determined by type of helicopter.
- B. The facility shall not be within a 300 foot radius of any residential structure, schools or places of worship at the time of application.
- C. A report detailing the expected hours of use, the number of take-off/landings per month and a map indicating the planned flight path shall be submitted with the application.

3.17.5 DELETED (EFFECTIVE 8-15-07) RESERVED, FORMERLY RETAIL DEVELOPMENTS IN EXCESS OF 40,000 SQUARE FEET.

3.17.6 Adult Oriented Establishments (Effective 11-16-96)

- A. Each lot shall have an area of at least eighty thousand (80,000) square feet with a minimum street frontage of four hundred (400) feet on a State of Connecticut or Town of Newington accepted street.
- B. No adult oriented establishment as defined herein (see definitions Section 9) shall be permitted within a one thousand (1,000) foot radius of an existing adult oriented establishment property line. Measurement of the one thousand (1,000) foot radius shall be made from the outermost boundaries of the lot or parcel upon which the existing or proposed adult oriented establishment will be situated.
- C. No adult oriented establishment as defined herein shall be permitted within a one thousand (1,000) foot radius of a school, church, charitable institution whether supported by public or private funds, hospital, library, public playground, municipal fire or police station or municipal building. Measurement of the one thousand (1,000) foot radius shall be made from the outermost boundaries of the lot or parcel upon which the existing or proposed adult oriented establishment will be situated.
- D. No adult oriented establishment as defined herein shall be permitted within one thousand (1000) feet of any lot or parcel classified in any of the residential zones. Measurement of the one thousand (1000) foot radius shall be made from the outermost boundaries of the lot or parcel

upon which the existing or proposed adult oriented establishment will be situated.

- E. Required off-street parking shall be in compliance with Section 6.1 of these regulations.
- F. No adult oriented establishment as defined herein, shall be conducted in any manner that permits the observation of any material depicting or describing of "specified sexual activities" or "specified anatomical areas" as defined herein, from any public way. This provision shall apply to any building exterior display, decoration, sign, show window or other building exterior opening.
- G. All adult oriented establishments which were lawfully in existence as of the effective date of these regulations shall comply with all provisions of Section 5.1 non-conforming uses.

3.17.7 Recreation Uses (Effective 1-20-98)

- A. Recreation uses such as outdoor or indoor soccer, deck hockey, ice skating rinks and other similar sports facilities but excluding billiard and poolrooms, bowling alleys, arcades and other passive amusement type uses. Retail sales and food service uses may be permitted in conjunction with a recreation use when determined by the Commission to be subordinate and accessory to the principal recreation use.

3.17.8 Non-profit [501 (c) (3)] Children's Theatre Organization (Effective 1-26-04)

- A. Theatre-related uses such as rehearsal, drama classes, costume and set construction, and public performances by both children participating in the organization's programs and small community theatre groups, as approved by the Board of Directors.

3.17.8 Auto-related uses and motor vehicle service uses in accordance with Section 6.11 and Sections 5.2 and 5.3 of the Zoning Regulations. (Effective 08/11/2012)

Section 3.18 Uses Permitted in PD Planned Development Zones

In PD Planned Development Zones, land and buildings may be used and buildings may be altered or erected to be used for the following purposes and no other. All such uses must be included within a building or structure or accessory to a permitted principal use.

3.18.2 Permitted Uses

- A. Uses permitted shall be any or all of those uses as regulated by Section 3.14.

3.18.3 Procedure

- A. Before a lot or parcel of land in a PD Zone may be used or a building erected, altered or changed in use, a Site Development Plan must be approved in accordance with this section as well as Section 5.3.

- B. Any application for change to a PD Zone must be accompanied by an application for Site Development Plan approval in accordance with Section 5.3. The Commission will consider both applications simultaneously, within the appropriate public notice and scheduling procedure.

3.18.4 Frontage

At least 70 feet of frontage on a public street is required for each lot or use.

3.18.5 Buffer

No parking shall be located within 25 feet of a residential zone boundary. No business or industrial use structure, raw materials, outside storage, maintenance area, etc., but not limited to the foregoing shall be located closer than 100 feet from any residential zone boundary. When the zone boundary follows the centerline of the street the 25 foot buffer shall be measured along the nonresidential side of the street right of way. A buffer meeting the requirements of Section 6.10 is required whenever the use adjoins a residential zone unless waived by the Commission pursuant to Section 6.10.5 (c).

3.18.6 Minimum Area

A minimum area of 5 acres is required for a change of zone to the PD Zone and individual lots within the zone shall be at least 1 acre in area.

3.18.7 Utilities

All electric and telecommunication utility installations shall be located underground, excepting required or necessary lighting.

Section 3.19 Special Permits Allowed in PD Planned Development Zones

The following uses are declared to possess such special characteristics that each must be considered a special permit. They may be permitted by the Commission subject to the following conditions and the provisions of Sections 5.2 and 5.3. All such uses shall be located within a building or structure or accessory to a permitted principal use. (Effective 12-01-01)

3.19.2 Those special permits as permitted in Section 3.15 may be permitted in this zone.

3.19.3 Residential building may be permitted subject to the following conditions.

A. Permitted Uses

1. Residential buildings and their necessary accessory facilities.
2. Retail, office or service uses on the first floor only of such buildings.

B. Conditions

This use and its permitted density and height is declared to meet a community need and to be compatible with its environment, provided that the Commission finds that all of the following conditions and standards have been met.

1. Location

No site location shall be approved unless it has direct access to the Berlin Turnpike or to a public street which directly connects to the Berlin Turnpike.

2. Site Area

The minimum site area shall not be less than 5 acres and the site shall contain at least 4500 square feet of site area for each dwelling unit. The computation of total number of dwelling units permitted on a site will be based on the usable area of the site. When, in the opinion of the Commission, topographic conditions with slopes in excess of fifteen (15) percent gradient, inland wetlands and flood hazard areas render any portion of the site unsuitable for use by the residents of the development, such portion of the site will not be used in computing the total number of dwelling units permitted and shall be set aside as conservation open space. The total ground floor area of all buildings shall not exceed 25 percent of the site area. (Effective 8-15-07)

3. Recreation Area

Suitable common open space for the recreation of children and adults shall be provided and screened from driveways, streets and parking access. At least 200 square feet of such space shall be required per dwelling unit.

4. Height of Buildings

No principal building shall exceed a height of 4 stories or have less than 2 stories, and no accessory building shall exceed a height of 15 feet. (Effective 12-01-01)

5. Spacing of Buildings

Buildings shall be so located and arranged as to permit full access to the sun.

6. Dwelling Units

The basement shall not be occupied as living quarters.

7. Parking Space

In addition to the requirements of Section 6.1, no garage or parking space shall be nearer than 35 feet from any street right of way. Parking under a building is permitted.

8. Fire Protection

- a) Standpipes for fire protection with hoses on each floor shall be provided sized in accordance with standards of the National Fire Protection Association in all buildings three or more stories in height and more than 10,000 square feet per floor.
- b) Automatic sprinklers shall be provided in stairwells, corridors, and basements for all buildings four or more stories in height.

3.19.4 In addition to the provisions of Section 5.2 and 5.3 applicants for retail developments in excess of 40,000 square feet of gross floor area shall submit a traffic impact report which addresses the following:

- A. Traffic impact analysis containing present roadway conditions, existing and projected traffic volumes (ADT, A.M. and P.M. Peaks), existing volume capacity ratios, existing and projected levels of services, site generated traffic and distribution and accident experience. Impacts on streets that maybe affected by the proposed developments shall be identified and proposed mitigation measures presented for Commission consideration.

3.19.4 Fueling Stations located within, or on property adjacent to a Shopping Center and subject to the following requirements:

- A. Shopping Center shall have a principal building containing a Supermarket Grocery Store occupying not less than sixty thousand (60,000) square feet as its Principal Tenant.
- B. The Fueling Station must be on the Shopping Center Premises or it must be on property that abuts and is adjacent to the Shopping Center.
- C. Principal Tenant must be the beneficiary of the Special Permit
- D. Any Special Permit shall be subject to all of the provisions of Section 5.2 of these Regulations;
- E. The Fueling Station shall be serviced by a building containing not more than two hundred (200) square feet.
- F. The sale of products shall be limited to gasoline, diesel fuel, fuel oil in enclosed containers, antifreeze, natural gas for use in an internal combustion engine, electricity used to power motor vehicles and compressed air for filling tires.
- G. No other products may be sold on the premises other than as may be sold through vending machines which shall be located inside the building.
- H. There shall be no repairs or vehicle maintenance performed on the premises.
- I. The location of the Fueling Station shall be subject to receipt of a Certificate of Approval in accordance with Section 6.11 excluding the provisions of Sections 6.11.6 and 6.11.8.

- J. No outside storage of any motor vehicles shall be permitted.
- K. There shall be no outdoor display of merchandise, except that motor oil and other fluids for motor vehicles may be displayed on racks, designed therefore, immediately adjacent to the building.
- L. Storage tanks for gasoline and other motor vehicle fuels shall be located underground in compliance with pertinent state and local codes and regulations.
- M. There shall be no storage and or dumping of waste materials.
- N. There shall be no sleeping quarters in the building.
- O. The sign provisions of Section 6.2 shall apply.
- P. There shall be no direct ingress or egress from or to any street or highway from the Fueling Station location. All ingress and egress shall be from within the shopping center over internal drives established for that purpose.
- Q. The architectural style and design of the Fueling Station building (including but not limited to the canopy over the pumps) shall be approved by the Commission and shall be compatible with the architectural style and design of the primary buildings of the Shopping Center of which it is to be a part.
- R. In addition to the standards required pursuant to Section 5.2.6, the Commission shall also consider: whether the Fueling Station will increase competition and improve the pricing of fuel to consumers; whether it will have a favorable impact on local street traffic flow by virtue of its internal location; whether the fact that most of the customers will already be entering and exiting the roadway for other purchases at other retail units within the Shopping Center and not generating additional traffic; and whether there is a traffic signal at the intersection of the internal drive and the adjoining street to regulate traffic from the use. (Effective 3-4-14)

Section 3.19A Transit-Oriented Development (TOD) Overlay District

1. General:

- A. The Transit-Oriented Development (TOD) Overlay District is an overlay of certain Planned Business (PD) and Industrial (I) zones, to encourage transit-oriented development of parcels on Cedar Street, Fenn Road, and streets adjacent to Fenn Road that are generally within walking distance of the CTfastrak station on Myra Cohen Way.
- B. The use of land, buildings and other structures within the TOD Overlay District shall be established and conducted in conformity with either the underlying zoning classification of the Planned Business Zone (PD), Business Zone (B) and Industrial Zone (I), or the special requirements of this Section. This is not intended to prohibit any use otherwise permitted in the PD, B and I zones. Rather, its purpose is to give property owners the ability to use

proximity to CTfastrak to leverage development of greater community and/or economic value.

- C. The TOD Overlay District is bounded on the north by Holly Drive/Ella Grasso Boulevard; on the east by property of the National Railroad Passenger Corporation (Amtrak); on the south by a line parallel to and approximately 2000' south of Cedar Street; and on the west by CT Route 9.

2. Purpose:

- A. The purpose of the TOD Overlay District is to promote high quality development within walking distance of the CTfastrak station on Myra Cohen Way which will grow Newington's grand list, create employment, and provide Newington residents with additional retail, commercial, residential and entertainment opportunities.
- B. Such development shall be in accordance with the 2020 Plan of Conservation and Development's "General Goal" of locating development in places and at densities which support the desired overall character of Newington, including smaller mixed land uses adjacent to transit stations (Page 24 of the 2020 Plan of Conservation and Development).
- C. This purpose will be achieved through the following specific objectives and uses:
 - 1. Mixed-use development, which will provide opportunities to live, work, shop, and/or be entertained within a single project, and when appropriate, in the same building.
 - 2. Dining and entertainment clusters.
 - 3. Bioscience, advanced manufacturing, aerospace engineering, information technology, and other advanced technologies.

3. Definitions:

- A. "Mixed-use development" shall mean development on a single parcel (or adjacent parcels with shared parking) that contains at least one of each of two or more of the following types of uses:
 - 1. Retail (including dining and entertainment)
 - 2. Office
 - 3. Industrial (including research and light manufacturing)
 - 4. Residential
- B. "Dining and entertainment cluster" shall mean development on a single parcel (or adjacent parcels with shared parking) that contains two or more restaurants, bars, theaters, or entertainment venues.

4. Incentives:

- A. Development proposals that contain any of the "specific objectives and uses" described in Paragraph 2.c may be eligible for the following incentives:

1. Less mandatory landscaping (i.e. more useable floor area).
2. Less mandatory on-site parking.
3. Reduced front, side, and rear yard setbacks.

B. Eligibility for the above incentives will be based on the following:

1. The need for the proposed activity, as determined by the TPZ.
2. The public benefit of the proposed activity, as determined by the TPZ.
3. Public amenities included in the proposed activity.
4. The extent to which the proposed activity enhances vehicular and pedestrian circulation in the TOD Overlay District.
5. Architectural and/or functional compatibility of the proposed activity with nearby buildings and activities.

5. Procedure:

A. Any application for approval of an activity that complies with the underlying PD, B or I zoning shall be processed in accordance with Section 3.16, Section 3.17, Section 3.18, or Section 3.19 as appropriate and Section 5.3.

B. Any application for approval of an activity that does not comply with the underlying PD or I zoning but includes one or more of the “specific objectives and uses” listed in Paragraph 2.c shall be processed in the following manner:

1. The applicant shall apply for a TOD Special Permit in accordance with Section 5.2. The application shall include the following:

A. A detailed description of the activity, and how it promotes the purpose of the TOD Overlay District.

B. If the application proposes to utilize any of the incentives listed in Paragraph 4.a, the application shall include a report prepared by an appropriate professional and detailed descriptions of the following:

- 1) The need for or benefit of the proposed activity;
- 2) Architectural or functional compatibility with adjacent or nearby buildings and activities; and
- 3) Public amenities included in the proposed activity.

2. The applicant shall apply for Site Plan Approval in accordance with Section 5.3 of the zoning regulations. The site plan shall address the following:

A. The layout of streets, alleys, lots, building sites, and other elements of development shall be designed to maximize safe and convenient vehicular and pedestrian access to the CTfastrak station and, where appropriate, provide the views and community amenities that help define the CTfastrak station as the focal point of the District.

B. Vehicular and pedestrian circulation systems shall be designed to allow vehicular and pedestrian cross-access to existing or allowable development on adjoining lots.

C. Driveway curb cuts are allowed only if vehicular access cannot be provided via a cross-access easement. Driveway curb cuts shall be no wider than 24 feet and shall be located at least 50 feet from a street intersection and at least 100 feet from another driveway curb cut on the same block face.

D. Buildings shall be configured in relation to the site's other buildings so that building walls frame and enclose one or more of the following, if applicable:

- 1) The corners of street intersections or entry points into the development;
- 2) A "main street" pedestrian and/or vehicle access corridor within the development site;
- 3) Parking areas, public spaces, or other site amenities on at least three sides; or
- 4) A plaza, pocket park, square, outdoor dining area, or other outdoor gathering space for pedestrians.

E. Architectural elevations submitted in accordance with Section 5.3.4.B shall be prepared as follows:

1) Where the street-level facade of a building faces the CTfastrak station or a public gathering space, no less than 25% of the facade area shall be comprised of transparent window or door openings to allow views of interior spaces and merchandise.

Section 3.20 Uses Permitted in CD Commercial Development Zones

In CD Commercial Development Zones, land and buildings may be used and buildings may be altered or erected to be used for the following purposes and no other. All such uses must be within a building or structure or accessory to a principal use. (Effective 12-01-01)

3.20.2 Permitted Uses

- A. Office uses, business and professional services, including corporate headquarters.
- B. Conference centers.
- C. Research laboratories.
- D. Research and development uses.
- E. Any other use which is essentially compatible and similar to those listed above may be authorized by the Commission as a permitted use provided that the reasons and conditions, if any, appear as part of the record of the Commission.

3.20.3 Procedure

- A. Before a lot or parcel of land in a CD Zone may be used or a building erected, altered or changed in use, a Site Development Plan must be approved in accordance with this section as well as Section 5.3.

- B. Any application for a change to a CD Zone must be accompanied by an application for Site Development Plan approval in accordance with Section 5.3. The public hearings shall be held on both applications simultaneously, with the applicant's approval.

3.20.4 Frontage

At least 150 feet of frontage on a public street is required for each lot or use.

3.20.5 Minimum Area

A minimum tract of 5 acres is required for a change of zone to the CD Zone, and individual lots within the zone shall not be less than 2 acres.

3.20.6 Buffer

No parking or loading shall be located within 25 feet of a residential zone boundary. When the zone boundary follows the centerline of the street the 25 foot buffer shall be measured along the nonresidential side of the street right of way. A buffer meeting the requirements of Section 6.10 is required whenever the use adjoins a residential zone.

3.20.7 Utilities

All electric and telecommunication utility installations shall be located underground, excepting required or necessary lighting.

3.20.8 Sidewalks

Sidewalks shall be installed along the frontage of public streets according to the Town of Newington standards.

3.20.9 Parking garage as an accessory use when permitted by Special Permit procedures per Sections 5.2 and 5.3.

3.20.10 In addition to the provisions of Section 5.2 and 5.3, applicants for developments in excess of 40,000 square feet of gross floor area shall submit a traffic impact report which addresses the following:

- A. Traffic impact analysis containing present roadway conditions, existing and projected traffic volumes (ADT, A.M. and P.M. Peaks), existing volume capacity ratios, existing and projected levels of services, site generated traffic and distribution and accident experience. Impacts on streets that maybe affected by the proposed developments shall be identified and proposed mitigation measures presented for Commission consideration.

Section 3.21 Uses Permitted in PL Public Land Zones

In PL Public Land Zones, land and buildings may be used and buildings may be altered or erected to be used for the following purposes and no other.

3.21.1 Permitted Uses

Lands and buildings owned by a governmental unit, a department of a governmental unit, or a private or semi-private owner who furnishes a public service or utility; and any use which may be permitted in the charter of the owner, provided that industrial, business and/or residential uses shall be limited to and used exclusively by and for the requirements of the owner. All other uses are prohibited.

3.21.2 Procedure

- A. Before a lot or parcel of land in a PL Zone may be used or a building erected, altered or changed in use, a Site Development Plan must be approved in accordance with this Section as well as Section 5.3.
- B. Any application for change to a PL Zone must be accompanied by an application for Site Development Plan approval in accordance with Section 5.3. The Commission will consider both applications simultaneously, within the appropriate public notice and scheduling procedures.

3.21.3 Buffer

- A. No parking or loading shall be located within 25 feet of a residential zone boundary. When the zone boundary follows the centerline of the street right of way the 25 foot buffer shall be measured along the nonresidential side of the street right of way. A buffer meeting the requirements of Section 6.10 is required whenever the use adjoins a residential zone.

3.21.4 Utilities

- A. All electric and telecommunication utility installations shall be located underground, excepting required or necessary lighting.

3.21.5 Sidewalks

- A. Sidewalks shall be installed along the frontage of public streets according to the Town of Newington standards.

Section 3.22 Accessory Buildings and Uses Permitted in Residential Zones

3.22.1 Accessory Buildings and Uses Permitted

- A. Accessory buildings shall only be used for storage, repair and maintenance purposes subordinate to the principal building and use.
- B. Parking and storage of operable and registered cars, boats, trailers or similar vehicles owned by the owner or resident of the premises. (Effective 12-01-01).
- C. Commercial Vehicles (effective 11-17-15):
 - 1. A commercial vehicle customarily used by the resident for transportation is permitted for each dwelling unit. Such vehicle may be parked on a lot, but shall not be parked in the front yard or in the street right of way.

2. “Commercial Vehicle” is any vehicle or piece of equipment used to carry, deliver, handle or transport goods in the conduct of business, profession, or trade. Commercial vehicles include:

- a. Step vans, cargo vans, box trucks, flat bed or stake bed trucks, buses, semi-trailers, tractor trailers, dump trucks, wreckers and trailers used for commercial purposes.
- b. Heavy-duty earth moving equipment, cement mixers, trenching pipe laying equipment or other similar type of construction equipment.
- c. Any vehicle outfitted with a backup alarm.
- d. Any vehicle with more than 2 square feet of signage affixed to the outside, not including registration and license information identifying the owner/occupant as required by the Department of Transportation and the Department of Consumer Protection.
- e. Any vehicle which has two (2) or more of the following characteristics:
 - 1. Exceeds a gross vehicle weight rating (GVWR) of ten thousand (10,000) pounds;
 - 2. Exceeds seven (7) feet in height from the base of the vehicle to the top;
 - 3. Exceeds twenty (20) feet in overall length;
 - 4. Has more than two (2) axles;
 - 5. Has more than 4 tires in contact with the ground;
 - 6. Used or built to carry more than 8 passengers;
 - 7. Designed to sell food or merchandise directly from the vehicle or trailer itself;
 - 8. Has modifications or attachments including but not limited to a plow, platform rack, hoist, spreader or hopper.

3. Personal vehicles used for the transportation of handicapped person(s) shall be exempt.

D. Land in Residential Zones shall not be used for accessory parking for non-residential uses.

E. Accessory buildings such as storage sheds, garages and swimming pools shall not be located within a drainage or utility easement. (Effective 12-01-01)

3.22.2 Standards

A. Accessory buildings are permitted only when there is a principal building on the same lot.

- B. Rented storage units are permitted only behind the principal building and for not more than 60 days.

Section 3.23 Accessory Buildings and Uses Permitted in Business, Industrial and PD, CD and PL Zones

3.23.1 Accessory Outside Use Standards

- A. Supplies, materials, products and equipment which are incidental and subordinate to the principal use of the lot may be stored outside on the same lot but shall not be located in front of the principal building nor be placed on rack shelving higher than 12 feet.
- B. Products and equipment intended for sale may be displayed in front of the principal building when approved by the Commission, but not in the required front yard setback area.
- C. This display of this equipment and products shall not obstruct pedestrian walks or fire lanes. (Effective 12-01-01)

3.23.2 Accessory Buildings

Accessory buildings shall conform to the requirements of Section 4 and for the zone in which the building is located. Accessory buildings shall not be located in front of the principal building and shall only be located to the rear of or side of the principal building. (Effective 12-01-01)

Section 3.24 Prohibited Uses

It is the intent of these regulations to permit only those uses expressly permitted and to prohibit those uses not expressly permitted. Certain uses identified below are declared prohibited for purposes of clarification.

- 3.24.1 Public or private race tracks for testing or proving ground for motor vehicles or race tracks for horses or dogs whether conducted for profit or as a non-profit operation.

- 3.24.2 Trailer Camps.

- 3.24.3 Trailers and Mobile Homes:

No automotive type of trailer, recreational vehicle, or mobile home, whether mounted on wheels or on a foundation, or demounted, shall be occupied for living purposes or business purposes within the Town. In the event of an emergency (such as restoration of a home after a fire) the temporary use of a trailer, recreational vehicle, or mobile home may be authorized by the Town Planner for a period not to exceed (3) months. One three (3) month extension may be granted if required not to exceed six (6) months.

Manufactured housing on a permanent foundation meeting all code requirements is not considered a mobile home. (Effective 12-01-01)

- 3.24.4 Off-site advertising signs (See Definitions, Section 9.2).
- 3.24.5 No use shall be permitted which:
- A. Emits into the air dust, dirt, fly-ash, smoke or other material which is not confined to the lot containing the use; or
 - B. Emits into the air offensive odors or noxious, toxic or corrosive fumes or gases; or
 - C. Transmits outside the lot containing the use noise which is objectionable due to volume, intermittence, beat, frequency, or shrillness; or
 - D. Transmits light which is objectionable due to brightness; or
 - E. Discards offensive wastes into any stream, watercourse or storm sewer.
- 3.24.6 The storing of junk, including junk motor vehicle hulks, which shall mean any inoperable or unregistered vehicle which cannot move from the site on its own power.
- 3.24.7 There will be no parking, in any zone, on the unpaved portion of the street right of way.
- 3.24.8 Motel Efficiency Unit (See Definitions, Section 9.2).

SECTION 4: HEIGHT, AREA AND YARD REQUIREMENTS

Section 4.1 Scope of Requirements

All uses, buildings or accessory buildings erected or altered shall conform to the following minimum height, area and yard requirements for the zone in which the use, buildings or accessory building is located, except a lot granted a Special Permit for a Residual Lot use pursuant to Section 6.14 shall conform to the minimum height, area and yard requirements established for such property pursuant to Section 6.14 (Effective 12-1-06).

Section 4.2 Schedule of Height, Area and Yard Requirements for Zones

The Schedule is shown as Table A, herein.

Section 4.3 Application of Height, Area and Yard Requirements for Zones.

4.3.1 Special Permits

Approval of Special Permit uses may have requirements specifically designed for such use. In such cases, those specific requirements supersede those listed on Table A. When requirements of a Special Permit are not specifically stated, the requirements of the zone in which such use is to be located, as set

forth in Table A, shall apply, unless otherwise stated in these regulations.
(Effective 12-1-06)

4.3.2 Storage and Display in Yards

- A. Yards in Business and Industrial zones and PD, CD, and PL zones shall not be used for storage, display or any other use excepting landscaping, walks, enclosed screened dumpster, drives and parking areas that are required and approved by the Commission.
- B. Loading bays and docks shall not be permitted on the public street side of the building unless screened and approved by the Commission.
- C. Yards in residential zones may be used for fences, landscaping, walks and driveways.

4.3.3 Buffers, when required by the zone regulations, include the required yards.

4.3.4 Front Yard Set Back Alignment

The minimum depth of the front yard setback for a new dwelling on a vacant lot between two (2) existing adjoining lots, each with a building, may be aligned to the average of the depths of the front yards of such adjoining lots.
(Effective 12-01-01)

Section 4.4 Height, Area and Yard Requirements

4.4.1 Corner Lots

On corner lots, the front yard requirements shall be enforced on one side, and the following yard requirements on the other side:

R-20	30'
R-12	30'
R-7	25'
R-D	See R-12
Section 3.7	
Patio Houses	25'
Duplex Houses	25''
Town Houses	25'
B	25'
B-TC	25'
B-BT	35'
I	25'
PD	35'
CD	35'
PL	35'

4.4.2 Corner Visibility

Within the area 15 feet from the intersection of two street lines, no fence, wall, shrubbery or other impediment to unobstructed visibility shall exceed a height of 3 feet above the pavement.

4.4.3 Height Modifications

- A. Public and semi-public buildings may be permitted up to 60 feet or 4 stories.
- B. Ornamental structures, monuments, church spires, shafts, domes, towers or cupolas may exceed height requirements when approved by the Commission.
- C. In Business, Industrial and Planned Development and Commercial Development zones, height requirements may be exceeded by special structures requiring special design because of their particular use in business or industry, such as chimneys, stacks or elevators when approved by the Commission.

4.4.4 Lot Frontage

- 1 No building permit shall be issued for a building unless the lot for which the building is proposed has the required frontage on an accepted street, a proposed street in an approved subdivision for which surety has been posted in accordance with Section 7.3, or on a private street constructed in accordance with the minimum standards of the Town of Newington, except:
 - 1. Residual Lots, as approved by Special Permit pursuant to Section 6.14, need only meet the frontage requirements set forth in that approval. The frontage requirements established pursuant to Section 6.14 supersede those requirements set forth in Table A.
 - 2. Otherwise specifically permitted under these regulations subject to the appropriate standard as set forth in these regulations.
- B. On irregular lots, the frontage requirement may be measured at the building (front yard) line. (Effective 12-1-06)

4.4.5 Yards

A. Projections

Usual projections such as sills and cornices may extend into any required side yard not more than 12 inches. A chimney may project not more than 2 feet into a side yard but not within 5 feet of a side property line. A porch or a hatchway may project 3 feet into the rear yard. A porch projection shall be limited to a landing platform not larger than 24 square feet, not more than a 3 foot projection into the front yard setback. (Effective 8-15-07)

B. Side Yard in B-TC Zones

A building may be constructed at the side property line or with the required side yard setback. Buildings constructed adjacent to existing buildings shall be constructed with no space between buildings with common walls. No building shall be built within 25 feet of a residence zone.

C. Through Lots

In a residence zone, the rear yard of a through lot shall be the average depth of the 2 adjoining lots.

D. Yards in B-TC, B-BT, PD and CD Zones

Where a contiguous area is in multiple ownership, it may be developed under a single site plan with height, area and yard requirements applied to the entire area so developed.

- 4.4.6 No principal building shall be placed or constructed within 50 feet of a regulated inland wetland or water course as shown on maps entitled "Designated Inland Wetlands and Water Courses of the Town of Newington" or on a detailed soils map certified by a soils scientist and approved by the Newington Conservation Commission. This setback standard maybe modified upon the receipt of a favorable report from the Conservation Commission and a two thirds vote of the Commission. (Effective 4-30-99)

4.4.7 Cedar Mountain Ridgeline Development

Within the Ridgeline Setback Area as defined in Section 9, no quarrying and clear cutting of timber shall be permitted except the following uses shall be permitted in the ridgeline setback area as of right: (A) emergency work necessary to protect life and property; (B) any non-conforming uses that were in existence and that were approved on or before the effective date of this section of the zoning regulations; (C) selective timbering when approved by a site plan submitted to the Commission, (D) single family residential use and permitted accessory residential uses when approved by a site plan submitted to the Commission.

The visual impact of proposed activities as viewed from public highways, public parks, or other areas accessible to the general public will be evaluated by the Commission. Such impacts may include, but not be limited to: unnatural gaps, cuts, projections, or other obviously artificial alterations of existing natural tree lines, ridgelines, prominent topographic features, or rock formations; the use of materials which by their color, reflectiveness, finish, size, or orientation disrupt the natural or historic character of the ridgeline; the size, height, shape, and location of buildings.

The use of earth tone materials may be required by the Commission in all proposed buildings, and the use of reflective materials or surfaces may be restricted or prohibited.

The Commission may require that clear cutting occur in a staggered or other pattern which reduces the visual impact of such cutting, and may further require that clear cutting be staged over a period of time to allow for regrowth of remaining vegetation. (Effective 5-20-05)

4.4.8 Administrative Approval For Temporary Handicap Access to Single Family And Duplex Residential Ramps (Effective 10-3-08)

Notwithstanding any other provision of these regulations which would prohibit such a ramp, the Zoning Enforcement Officer may issue a temporary permit for a handicap ramp or access to a single family or duplex residential structure under the following conditions:

- A. A physician's letter describing and certifying the physical limitations of the person applying for the temporary permit.
- B. Said access shall be of a configuration and size that minimizes the reduction of either front or side setback requirements.
- C. No ramp or access shall encroach on a Town or State Right of Way nor shall it obstruct any sight lines or be placed within 15' of a front property boundary or 5' of a side property boundary.
- D. The location of all temporary ramps shall be accurately drawn on a plot plan to scale.
- E. Said temporary permit shall be for one (1) year and shall be renewable on an annual basis provided the circumstances requiring the handicap access still exists. When the circumstances cease to exist or the property is sold or transferred the handicap ramp shall be removed by the end of the permit period or within 30 days of the written notice of the Zoning Officer requesting removal of said handicapped access.
- F. Building Permit.

SECTION 4.5

SCHEDULE OF HEIGHT, AREA AND YARD REQUIREMENTS

TABLE A: SCHEDULE OF HEIGHT, AREA AND YARD REQUIREMENTS RESIDENTIAL USES (Effective 12-01-01)						
ZONE	MINIMUM LOT AREA	MINIMUM LOT FRONTAGE	MINIMUM FRONT YARD	MINIMUM SIDE YARD	MINIMUM REAR YARD	MAXIMUM HEIGHT ⁴
R-20	20,000 S.F.	100'	35'	10'	35'	2-1/2 STORIES/35'
R-12	12,000 S.F.	80'	35'	10'	30'	2-1/2 STORIES/35'
R-7:	12,000 S.F.	80'	35'	10'	30'	2-1/2 STORIES/35'
ONE- FAMILY	12,000 S.F.	80'	35'	10'	30'	2-1/2 STORIES/35'
TWO-FAMILY	6,000 S.F. PER UNIT ¹	40' garage in front or under; 45' no garage on side	35'	7'	30'	2-1/2 STORIES/35'
PATIO HOUSES ³	6,000 PER UNIT ²	60'	25'	5' ONE SIDE 10' OTHER SIDE; SPACING NO CLOSER THAN 15'	30'	2-1/2 STORIES/35'
DUPLEX HOUSES ³	4500 PER UNIT ²	40'	25'	10'	30'	2-1/2 STORIES/35'
TOWN HOUSES ³	4500 Per Unit ²	20'	25'/GARAGE 35'/NO GARAGE	0'/EXCEPT 6' AT END OF UNIT	30'	2-1/2 STORIES/35'

ASSESSORY BUILDING IN RESIDENTIAL ZONE: (A) Shall not exceed 15' height; (B) shall be in the rear half of the lot and behind the principal structure; and (C) shall be at least 5' from any lot line.

1. R-7 Zone: Two-family dwelling existing prior to 2/25/74 shall have at least 3,000 square feet per unit and at least 20 feet of frontage.
2. Minimum square feet of land area that is required to be designated for each dwelling type.
3. By Special Permit only in R-7 and R-12 Zones.
4. Maximum height 35' as defined in Section 9
5. R-D ZONE: same requirements as for R-12 and Section 3.7

TABLE B: SCHEDULE OF HEIGHT, AREA AND YARD REQUIREMENTS NON RESIDENTIAL USES (Effective 12-01-01)						
ZONE	MINIMUM LOT AREA	MINIMUM LOT FRONTAGE	MINIMUM FRONT YARD	MINIMUM SIDE YARD	MINIMUM REAR YARD	MAXIMUM HEIGHT ⁴
B	10,000 S.F.	50'	25'	5'	5'	2 stories/35'
B-TC	10,000 S.F. ²	100' ¹	25' ³	none w/common walls, but at least 10' if provided		3 stories/35'
B-BT:	20,000 S.F.	100'	35'		15'	3 stories/35' ⁶
I	20,000 S.F.	70'	25'	10'	15'	3 stories/45'
PD ZONE USES:						
Retail/Commercial	1-ac.	70'	35'	10'	15'	3 stories/35'
Office	1-ac.	70'	35'	25'	25'	5 stories
Industrial	1-ac.	70'	35'	10'	15'	1 story
Residential	5-ac.	70'	35'	25'	35'	4 stories
CD Zone Area:	2 ac.	150'	35'	25'	25'	3 stories ⁵
PL		70'	35'	20'	25'	

ACCESSORY BUILDING IN NON-RESIDENTIAL ZONES: (A) Shall not exceed 15' height except parking garages, (B) Shall be located only to the rear of or side of the principal building (Effective 12-01-01) and (C) located at least 5' from any lot line

¹. Frontage not required if lot is part of the Municipal Parking Lot. (See Section 3.12.3 for requirements)

². Minimum lot not required if part of Municipal Parking Lot. (See Section 3.12.3 for requirements)

³. Except as may be permitted by Section 3.12.A.5

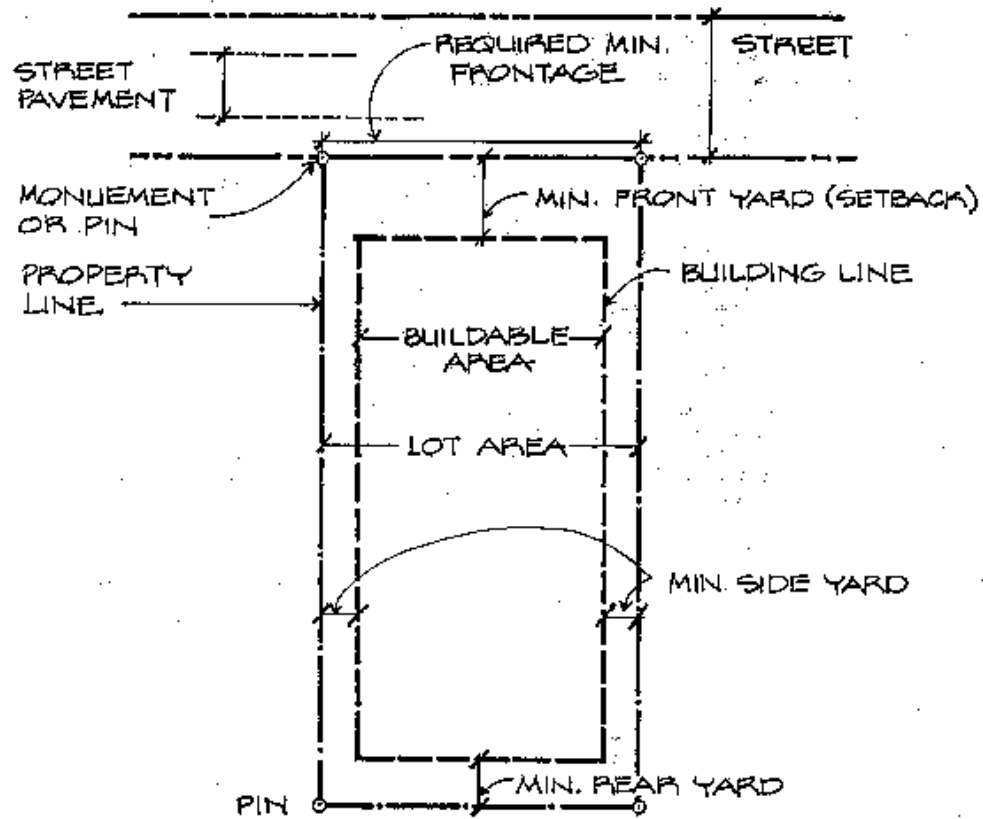
⁴. Maximum height as defined in Section 9. In Industrial Uses mezzanine area are not counted as a story.

⁵. Except as permitted by Section 3.20.8

⁶. Except as permitted by Section 3.14.1.C. (Effective 1-15-07)

FIGURE 1

TYPICAL BUILDING LOT
ILLUSTRATION FOR YARD SETBACKS



SECTION 5 GENERAL REGULATIONS

Section 5.1 Non-Conforming Lots, Land Use and Buildings or Structures

Within the zones established by this regulation or amendments that may later be adopted, there exist lots, structures, and uses of land and structures which were lawful before this regulation was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this regulation or future amendment.

It is the intent of this regulation to permit these non-conformities to continue until they are removed, but not to encourage their survival. Such uses are declared by this regulation to be incompatible with permitted uses in the zones involved. It is further the intent of this regulation that non-conformities shall not be enlarged upon, extended or expanded if such a change increases the non-conformity, or be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

A non-conforming use of structure, a non-conforming use of land, or a non-conforming use of a structure and land shall not be extended or enlarged after passage of this regulation by attachment on a structure or premises of additional signs intended to be seen from off the premises, or by the addition of other uses of a nature which could be prohibited generally in the zone involved. To avoid undue hardship, nothing in this regulation shall be deemed to require a change in the plans, construction or designated use of any structure on which actual construction was lawfully begun prior to the effective date of the adoption or amendment of this regulation.

5.1.1 Non-Conforming Lot of Record

A dwelling unit or a non-residential building may be erected on a lot of less width or area or both than required and the Zoning Enforcement Officer is authorized to issue a permit provided that:

- A. Said lot was created or established as a separate building lot prior to the adoption of Zoning in the Town of Newington or, at the time of its creation or establishment as a separate building lot, complied with all lot width and area requirements then in effect, and
- B. The lot must be shown or describe as a separate and distinct building lot on a map, or in a deed or other instrument duly recorded in the Town Clerk's Office. A certified copy of such map, deed or other instrument shall be filed with the application for the zoning permit, and
- C. No owner of such lot or lots at any time since it became non-conforming shall have owned adjacent land which may be or could have been merged as part of the lot in question.
- D. The lot fronts on an accepted street, a proposed street in an approved subdivision for which surety has been posted in accordance with Section

7.3, or on a private street constructed in accordance with the minimum standards of the Town of Newington, unless specifically permitted subject to the appropriate standard as set forth in these regulations, and.

E. All other requirements are met.

- 5.1.2 The lawful use of land existing at the time of the adoption of these regulations or of any amendment hereto, although such use does not conform to the provisions hereof, may be continued; but if such use ceases for a period of 12 months, or is changed to a conforming use, all future use of said land shall be in conformity with these regulations.
- 5.1.3 The lawful use of a building or structure, existing at the time of the adoption of these regulations or of any amendment hereto, although such use does not conform to the provisions hereof, may be continued and such use may be extended throughout the building, provided that no structural alterations are made, other than those ordered by an authorized public official to assure the safety of the building or structure; and provided further that such extension does not displace any conforming use.
- 5.1.4 Whenever a non-conforming use of a building has ceased for a period of at least 12 months, such use shall not thereafter be re-established; and any future use shall be in conformity with the provisions of these regulations.
- 5.1.5 Any non-conforming building or structure which is destroyed or damaged by fire or casualty may be reconstructed and structurally altered, provided such reconstruction or alteration is commenced within 6 months of the date of such damage or destruction. Up to an additional 6 months may be granted by the Commission to commence reconstruction for extenuating circumstances. The repair or replacement of the structure must be completed within one (1) year of issuance of building permits. Such restoration, repair or replacement must be of the same dimension, floor area, cubic volume, density and footprint on the property existing prior to the damage or destruction. (Effective 4-6-2011)
(Corrected 12-14-12)
- 5.1.6 When a building or structure is non-conforming only in regard to height, area or yard requirements, the reconstruction or structural alteration will be permitted if said building or structure is destroyed or damaged by fire or casualty. No such reconstruction or structural alteration shall increase the non-conformity.
(Effective 12-01-01)

5.2 Procedures and Standards for All Special Permits

- 5.2.1 Uses specified in these regulations as special permits are declared to possess such special characteristics that each must be considered a special case. The following general procedures, requirements and standards apply and must be followed; in

addition to the standards and conditions particular to the proposed use and specifically set forth in these in these regulation. Those conditions and standards are hereby determined to be necessary to protect the public health, safety, convenience and property values.

- 5.2.2 Petitions for special permits must be heard by the appropriate commission or board as required in the section relating to the permit or permit.
- 5.2.3 A public hearing is required on the proposed special permit with due notice as provided by Connecticut General Statute.
- 5.2.4 After the hearing, the commission or board may approve, disapprove or approve with conditions.
- 5.2.5 To permit proper review, the commission or board may, in accordance with Section 5.3, require that a site plan be submitted, and may require any other information deemed necessary to determine if the use is in harmony with the intent of the regulation, and the character of the area in which it is located.
- 5.2.6 In reviewing the proposed special permit, the Commission shall consider the following criteria as well as any specific standards pertaining to the requested special permit or special permit and record its findings in the record of the meeting:
 - A. The need for the proposed use in the proposed location.
 - B. The existing and probable future character of the neighborhood in which the use is located.
 - C. The size, type and location of main and accessory buildings in relation to one another, and in relation to other structures in the vicinity.
 - D. Traffic circulation within the site; amount, location and access to parking, and traffic load or possible circulation problems on existing streets or proposed streets and driveways considering impact on existing streets are effected. For large scale retail developments in excess of 40,000 square feet of gross floor area a traffic impact analysis report with proposed mitigation measures shall be submitted with the application.
 - E. Availability of public water and sewer, and possible overloading of water and sewage systems and the adequacy of the existing off site storm water system serving the property to safely accommodate any increase in drainage.
(Effective 12-01-01)
 - F. Location and type of display signs, lighting and landscaping and the impact of type signs on adjacent properties.

G. Safeguards to protect adjacent property, and the neighborhood in general, from detriment including, but not limited to proper buffering.

- 5.2.7 Following an approval of a special permit, such approval shall become null and void if the use proposed under the special changes. Amendments to the conditions of a Special Permit or substantial changes shall require a new petition and public hearing as required by the Connecticut General Statutes. (Effective 12-01-01)
- 5.2.8 No special permit granted according to these regulations shall be effective until a copy of the special permit, signed by the Chairman of the Commission or Board, whichever is applicable, is filed by the applicant in the Town Clerk's office in accordance with State Statutes which require recording in the Land Records.
- 5.2.9 The Commission may attach a time limit to a Special Permit when it determines that such a condition will protect adjacent property and the character of the neighborhood. If a time limit is made a condition of approval the Special Permit may be revoked for due cause after a public hearing.

5.3 Procedures and Requirements for Site Plans

5.3.1 Permits and Certificates

No building permits shall be issued in any zone or for any use where a site plan is required, unless a site plan, prepared in accordance with these regulations, has been approved by the Commission and has been filed by the applicant with the Town Planner. No Certificates of Zoning Compliance shall be issued unless the requirements of such site plans have been fulfilled.

5.3.2 Procedure

When required, a site plan shall be submitted to the Commission in accordance with these regulations. The site plan shall be approved, denied, or approved with modifications in accordance with the standards and conditions contained in these regulations.

5.3.3 Commission Review

In reviewing site plans, the Commission shall consider the following, as well as the conditions and standards herein. Applicants should also refer to Section 7.4, Design Standard and Site Plan Checklist.

1. The existing and planned future character of the adjacent property.

2. Traffic circulation within the site; amount, location and access to parking; traffic generated and possible traffic hazard or circulation problems on existing or proposed drives or streets.
3. Availability and adequacy of public utilities serving the site and the adequacy of the existing and proposed stormwater system to accommodate any increased drainage. (Effective 12-01-01)
4. The location of signage, lighting and natural or landscape features.
5. Safeguards to protect adjacent property and the neighborhood in general from detriment or depreciation.
6. The suitability of the building design to its site.
7. Safeguards to promote the convenience of travel and the orderly use of land through the safe location of driveways, the number, size and access points to a site in relationship to adjacent properties and the public roadway. (Effective 12-01-01)

5.3.4 Contents of a Site Plan:

1. General
 - A. Data block which gives required zoning information such as height, area and yard requirements, parking, spaces, green space, etc.
 - B. Layout of buildings.
 - C. Layout of streets and parking.
 - D. Proposed open spaces and recreation area, if required.
 - E. Trees with six inch (6") caliper or larger.
 - F. Area identified on the Natural Diversity Database as maintained by the Connecticut Department of Energy and Environmental Protection.
 - G. Context Map: An overall map drawn to a scale of 1" = 200', which can be used as an overlay on Metropolitan District Maps. This map will show the overall design of the development and surrounding property within 500 feet.
2. Plot Plan: A layout map of the proposed site drawn to a scale of 1" = 40', on either of the following size sheets: 24" x 36" with a 3/4" ruled margin, or 15" x 24" with a 1/2" ruled margin; containing the following data:

- A. The plans or maps shall conform to the class A-2 requirements of the "Code of Recommended Practice for Standards of Accuracy of Maps" of the Connecticut Technical Council, Inc.
 - B. Distance and bearings of all boundary lines and acreage of site.
 - C. Proposed streets and street lines with center line stations, curve data and parking spaces.
 - D. Building setback lines in accordance with these regulations.
 - E. Proposed buildings and other structures, including signs, dumpster enclosures and mechanical equipment.
 - F. Easements noting grantors, grantees and purpose.
 - G. Monuments will be indicated at corners and angles of all streets and at all points of curvature and tangency. In areas accessible to National Geodetic Survey points, or other coordinated points, the monument points within the proposed site shall be coordinated. These coordinates shall appear in tabular form on the plot plan. The accessibility of these NGS points shall be determined by the Town Engineer.
 - H. Names of abutting property owners. Location of any buildings within 100' of all property shall be shown.
 - I. All open space or other common or public land uses shall be indicated.
 - J. Landscaping and Planting Plan, including name, size and location of plants.
 - K. Lighting Plan for all exterior light fixtures and bulb types.
 - L. Commission approval and signature block.
3. Topographic and Utility Map: A map drawn to a scale of 1" = 40', see "C. Plot Plan), in addition to the requirements of the Plot Plans, show the following:
- A. All existing and proposed buildings.
 - B. Curb lines, curb cuts, edge of pavement, and pavement width.
 - C. Existing and proposed sanitary sewers, and direction of flow.

- D. Existing and proposed water and gas main systems, and direction of flow.
 - E. Existing and proposed contours shall be shown in not less than two-foot intervals; but in cases of relatively level land, the contours shall be one-foot intervals. Existing contours in excess of fifteen (15%) percent gradient shall be identified by shading the areas that meet this criterion. (Effective 3-4-2011)
 - F. Proposed storm drainage system, showing all low impact development techniques (such as swales, rain gardens, infiltration trenches, etc.) and any structural measures (such as catch basins, end walls, manholes, lengths and sizes of pipes, with invert elevations of each inlet and outlet).
 - G. Connections of all springs into proposed storm drainage system as needed.
 - H. Location and indications of existing brook channels, and 100-year flood limits.
4. Erosion Control Plan: The disturbance of any area exceeding one-half acre shall require an Erosion and Sediment Control Plan to conform with P.A. 83-388 of the Connecticut General Assembly, and Section 8-25 of the General Statutes as amended, and the following requirements:
- A. Existing and proposed boundary and lot lines, with dimensions given in feet and areas given in square feet. Existing and proposed easements and right-of-way for public utilities and other public uses with dimensions given in feet.
 - B. Location of all wetlands and watercourses on the property and within sufficient distance beyond the property line and the extent of proposed changes in their configurations. The 100' upland review area boundary shall also be shown.
 - C. Location of proposed activities.
 - D. Elevation at two-foot contour intervals. If deposition, removal or grading of material is proposed, resulting elevations shall be shown by two-foot contour intervals.
 - E. Identification of soils, including locations of any soil borings or test holes. Soil types shall be identified in accordance with categories established by the National Cooperative Soil Survey of the United States Department of Agriculture, Soil Conservation Service.

- F. A general delineation of the vegetative cover of any regulated area.
 - G. Bodies of water and high water level for all inundated areas.
 - H. All drainage appurtenances existing and proposed together with erosion control measures or temporary or permanent soil erosion control measures to be constructed in connection with, or as part of, the proposed work.
 - I. Details of erosion control measures.
 - J. Proposed limits of disturbance / compaction and the method of ensuring same.
5. Architectural Elevations: Plans of the proposed buildings drawn to a scale of 1/8" = 1'0", showing the elevations of all sides of the proposed buildings in sufficient detail to show architectural styling. The plans shall be prepared on mylar for filing with the site development plan and shall have a signature block for signing by the Commission Chairman.
- A. Samples of all exterior building materials proposed to be used.
 - B. For existing buildings, photographs of all sides of the building may be submitted in lieu of architectural elevations.
6. Access Management Plan: All existing and proposed streets and driveways within 500 feet of the boundaries of the proposed development shall be shown on the 200' scale Key Map. The Commission will review the number and location of all proposed access points to ensure that public safety and welfare are promoted and that the proposed development will not adversely impact public roadways. When the Commission determines that it is in the best interest of public safety, and to promote orderly development, the applicant may be required to modify the site development plan to achieve the following access management standards:
- A. Reduce curb cuts and provide shared access with an abutting property.
 - B. Establish inter site connections using internal driveways.
 - C. Provide access using a service road.
 - D. Direct left turning vehicle movements to an abutting roadway with the least intensity of current and projected traffic volume.

- E. On corner properties locate driveways no closer than 200' to the intersection or as may be approved by the Commission. (Effective 12-01-01)

5.3.5 Improvements

Street improvements, drainage, sewer and water supply, landscaping, recreation areas, parking and loading facilities and any other improvements required by the Commission shall be installed according to the specifications of the Town of Newton before final acceptance is given and a Certificate of Occupancy is issued. The developer, with the approval of the Commission, may install improvements in a portion of the plan and receive final acceptance of that portion only. Any unfinished portion of the site plan shall be bonded prior to the issuance of a Certificate of Occupancy and Certificate of Zoning Compliance. Improvements related to the safe use of the site, such as but not limited to, lighting, fire lanes, and fire hydrants, shall be completed and will not be bonded. (Effective 12-01-01)

5.3.6 Surety

The Town Manager, acting for the Commission, may accept surety in lieu of actual site improvements in accordance with Section 7.3. The surety that can be accepted by the Town Manager shall be limited to certified check, pass book/certificate of deposit, or a letter of credit. No insurance bond will be acceptable. For existing buildings where site plan approval is required, a cash bond in the amount of 10% of the total site improvement costs shall be posted with the Town Manager prior to the issuance of a building permit. In no case shall the bond posted with the Town Manager be less than \$2500. (Effective 12-01-01)

5.3.7 Approval

To be effective, the approved site plan must be signed by the Chairman of the Commission and shall show the date of the Commission approval. The applicant shall file with the Town Planner a mylar of the approved site plan, with the Commission's Certificate of Action affixed, and a mylar showing the buildings' elevations.

5.3.8 Time Limit

The Commission may grant additional extensions provided that all work in connection with such site plan approved on or after October 1, 1989 shall be completed within five (5) years after the date of approval of the site plan. Failure to complete all work within such five (5) year period shall result in automatic expiration of the approval of such site plan. The Commission may grant one or more extensions of such five year period, provided the total extension shall not

exceed ten years from the date such site plan is approved. "Work" for purposes of this subsection means all physical improvements required by the approved plan (CGS Section 8-3(i)).

For site plans approved on or before October 1, 1989 approval shall be void if substantial construction is not started within seven years from the date of approval.

5.3.9 Change in Use and Site Design

- A. A change in use of land or in the use of a structure or building will require site plan approval if any one of the following occurs:
 - 1. Increases the amount of parking;
 - 2. Changes the loading or access;
 - 3. Increases the building's gross floor area by more than 10 percent;
 - 4. Alters the site's parking lot green space, landscaping, or increases the amount of buffering required in Section 6.10.
- B. Minor changes not requiring additional parking, loading, access or structural addition of less than 10 per cent to the rear or side areas of buildings will not require site plan approval.
- C. For the purposes of this section examples of a change of use would include but are not limited to the conversion or addition of floor space from industrial/warehouse use to retail floor space or office floor space. the conversion of retail floor space to recreation use or public assembly use, such as a school or sports complex, church, etc. (Effective 12-01-01)
- D. Changes only to the architecture of the building will not require the submission of a new site plan to the Commission. (Effective 12-01-01)

5.4 Public Hearings

For a special permit, zone map change, and resubdivision, public hearings the Town of Newington will be responsible for mailing a Notice of Public Hearing to abutting property owners, and if a condominium complex is an abutter or across the street, to all officers of the condominium complex. The applicant shall be responsible for placing on the property subject to the public hearing a sign provided by the Town of Newington providing notice of the scheduled hearing. This sign shall be placed in a location that is easily visible to the public at least ten (10) calendar days prior to such hearing and shall remain until the petition is acted upon by the Commission.

SECTION 6: SPECIAL REGULATIONS

6.1 Off –Street Parking and Loading Regulations

[no changes]

6.2 Signs

[changes to be made separately]

6.3 Flood Plain Regulations

[no changes]

6.4 Removal of Earth Products

6.4.1 General

Except as otherwise provided in this section, there shall be no removal, in any zone, of soil, sand, gravel, stone or other earth products.

6.4.2 As of Right

Excavation for basements of structures to be erected on the land forthwith, and grading or landscaping incidental to the development of the land, and grading for public improvements. The applicant shall submit a site plan of the area where removal is proposed, prepared by a registered professional engineer, showing the existing and proposed finished grades.

6.4.3 Special Permit

The Commission may grant a permit for the removal of soil, sand, gravel, stone or other earth products not incidental to the above purposes, subject to the following conditions and the provisions of Sections 5.2 and 5.3.

- A. The applicant shall submit a site plan of the area where removal is proposed, prepared by a registered professional engineer, meeting the provisions of Section 5.2 and also showing the existing and proposed finished grades at the conclusion of operations, provisions for drainage, proposed landscaping and type of cover crop, the location of rock faces and exposed bedrock outcropping, and any other features considered necessary by the Commission for adequate study of the proposal.
(Effective 3-4-2011)
- B. The plan shall provide for proper drainage of the area after completion. No bank shall exceed a slope of one foot of vertical rise in 2 feet of

horizontal distance. No removal shall take place within 50 feet of a property line except when modified by a two-third vote of the Commission. (Effective 3-4-2011)

- C. At the conclusion of operations, the whole area where removal has taken place shall be covered with not less than 4 inches of topsoil and seeded with a suitable cover crop. This requirement may be modified by the Commission where no practical purpose is accomplished by adherence to it.
- D. No equipment not required for actual removal of the material shall be allowed. The processing of earth product is prohibited except when permitted by the Commission and approved by a two thirds vote. (Effective 8-15-07)
- E. The property shall be maintained in safe condition, no ponding of water, steep slopes or any potentially hazardous condition.

6.4.4 Approval

In passing upon applications for special permits under this section, the Commission shall consider the effects of such removal on surrounding property and the future usefulness of the premises when the operation is completed. The Commission may require the applicant to post surety with the Town Manager in an amount approved by the Commission as sufficient to guarantee conformity with the provisions of this section. The Commission may place a time limit upon any special permit granted, which in no case shall exceed 2 years. Upon approving a special permit, the Commission shall file with the Town Engineer at least one copy of the approved plan of operations, so that no removal may take place except in conformity with this section.

6.5 Filling of Land

6.5.1 General

The purposes of this section are to:

- A. Conserve and preserve water storage areas by helping to maintain the ground water level and stream flow,
- B. Secure the safety of traffic movement, and
- C. Control any fill operations that may create a safety or health hazard to the public or adjacent property owners, or be detrimental to the immediate neighborhood or the Town.

6.5.2 As of Right

- A. Construction of a building for which a building permit application has been submitted.
- B. Agricultural operations. The applicant shall submit a site plan of the area where the fill is proposed prepared by a registered professional engineer.
- C. Where such filling operations have been approved by the Commission as a part of a subdivision or a site plan. No filling of land shall commence until a building permit for the project has been issued.
- D. Regrading of a residential lot to improve the property. The applicant shall submit a site plan of the area where the fill is proposed, prepared by a registered professional engineer, showing the existing and proposed finished grades.

6.5.3 Special Permit

The Commission may grant a permit for the filling of land not incidental to the above purposes, subject to the following conditions and the provisions of Sections 5.2 and 5.3.

- A. The applicant shall submit a site plan of the area to be filled, prepared by a registered professional engineer, meeting the provisions of Section 5.2 and also showing finished grades at the completion of filling, type of fill material, and proposed access for vehicles and hours of operation, as well as any other information considered necessary by the Commission for adequate study of the proposal.
- B. The plan shall provide for proper drainage of the operation, during and after completion. No bank shall exceed a slope of one foot of vertical rise in two feet of horizontal distance. Necessary precaution against erosion shall be shown.
- C. At the conclusion of filling operation, the disturbed area shall be covered with not less than 4 inches of top soil and seeded with a suitable cover crop.

6.5.4 Approval

In passing upon applications for special permits under this section, the Commission shall consider the effects of such filling on surrounding property and the future usefulness of the premises when the operation is completed. The Commission may require the applicant to post surety with the Town Manager in an amount approved by the Commission as sufficient to guarantee conformity with the provisions of this section. The Commission may place a

time limit upon any special permit granted, which in no case shall exceed 2 years. Upon approving a special permit, the Commission shall file with the Town Engineer at least one copy of the approved plan of operations, so that no filling may take place except in conformity with this section.

6.6 Regulations Governing Uses Which Sell Alcoholic Beverages

[No changes proposed]

6.7 DELETED (EFFECTIVE 8-15-07) RESERVED, FORMERLY INTERIOR LOTS AND SINGLE FAMILY HOMES.

[No changes proposed]

6.8 Open Space Subdivisions

[No changes proposed]

6.9 Reserved

[no changes]

6.10 Green Space, Landscaping and Buffer Requirements

6.10.1 Minimum Landscaped Area

Notwithstanding other portions of this regulation, no development shall be permitted in any zone which does not leave a minimum landscaped area of at least 10 percent of the total lot area free of any building, impervious surface material or other structures. Land in the front, side and rear setback areas shall not count toward the minimum landscaped area. Such minimum landscaped areas shall be planted with grass, moss, ground cover or trees in such a way as to allow natural percolation of rainwater and not to interfere with adequate drainage of rainwater from surfaced or built-up portions, and to promote proper environmental design, including the implementation of low impact development techniques.

6.10.2 Location

Generally, green space will be located in the yard areas and most particularly, in the front yard.

6.10.3 Town Center

In the B-TC Zone, the green space may include the landscaped space required in the parking regulation.

6.10.4 Berlin Turnpike

On the Berlin Turnpike, the front yard green space and landscape area is most important to the public interest for the preservation and enhancement of property values, the implementation of vegetative low impact development techniques, and the control of traffic function and reduction of hazards.

- A. Alteration and additions affecting 25 percent of the gross floor area or more for business and industrial uses shall make substantial effort to add green space and landscaping, particularly in the front yard.
- B. No accessory structures, above-ground utilities, or pavement shall be placed in the 35' minimum front yard.

6.10.5 Buffers

Where buffer areas are required elsewhere in this Regulation, the following standards shall be met:

- A. If, in the judgment of the Commission, a buffer area is necessary to protect residential areas within or adjacent to the proposed area, the Commission may require landscaping, fencing or other appropriate screening within any required front, side or rear yard, in an amount and location appropriate to the need for such screening.
- B. A buffer area shall be not less than 25 feet in width and planted with evergreens no fewer than 2 rows nor further than 15 feet apart, with trees planted no more than 15 feet apart along each row, staggered to provide maximum screening, and using trees not less than 5 feet in height at time of planting. Suitable existing tree cover may be substituted. When the proposed new development abuts existing Town-owned open space or a designated greenway, the minimum buffer area shall not be less than 50 feet in width. Suitable existing tree cover may be substituted when approved by the Commission. (Effective 3-4-2011) Where authorized by the Commission, the buffer area may be used for stormwater management and implementation of vegetative low impact development techniques.

6.11 Sale, Rental, Service or Storage of Motor Vehicles (effective 01/17/2015)

[no changes]

Section 6.12 Willard Avenue Development District - Special Permit Zone

[no changes]

Section 6.13 Accessory Apartments (Effective 2-20-09)

The Commission may grant a special permit for one accessory apartment in an existing or proposed single-family dwelling located only in an R-20 or R-12 zone, subject to the following standards and conditions and the provisions of Section 5.2.

- 6.13.1 The owner of the property subject to the permit shall reside on the property throughout the duration of the permit. The accessory apartment shall be limited to a maximum occupancy of two persons. The owner of the property may reside in the accessory apartment or in the principal residence.
- 6.13.2 The building shall be determined to be capable of being added to in a safe manner. An applicant for an accessory apartment special permit shall submit a Zoning Location Survey, Class A-2, verifying compliance with the zoning regulations, Section 4 Height, Area and Yard requirements.
- 6.13.3 An accessory apartment shall contain at least 500 square feet. Additions may be made to the side or rear of the single-family dwelling, but the new floor area for the accessory apartment shall not exceed 300 square feet. The accessory apartment shall not exceed 30% of the gross livable floor area of the entire structure excluding garages and basements. The remaining living area of the principal residence shall not be less than 900 sq. ft. Basements and garages shall not be used for an accessory apartment living unit.
- 6.13.4 The apartment shall have at least one means of its own outside access and at least one internal doorway connection into the principal dwelling unit. A floor plan layout showing the proposed means of access shall be submitted to the Building Official for review and approval. The outside access to the accessory apartment shall not front the adjacent public street unless otherwise approved by the Commission.
- 6.13.5 The architectural style of the single family residence shall be maintained. Exterior stairs for a second floor living space shall not be visible from the street. Photos of the existing single family residence and drawings of proposed exterior changes shall be submitted as part of the application.
- 6.13.6 The accessory apartment shall not have more than one bedroom and shall be equipped with its own bath and kitchen. The accessory apartment shall have common utilities and shall not have separate metering devices. A floor plan showing the living area of both the principal residence and the accessory apartment identifying alterations, the location of internal doorway connection, additions and the sizes of each residence shall be submitted with the application.

- 6.13.7 Not more than three parking spaces shall be provided for the use of the principal dwelling unit and the accessory apartment unless otherwise approved by the Commission. This parking shall be in Section 6.1.1 (B).
- 6.13.8 An affidavit certifying ownership and occupancy signed by the owner of the premises stating that the owner will occupy one of the dwelling units shall be submitted with the application. The Commission may attach a time limit to a special permit when it determines that such a condition will protect adjacent property and the character of the neighborhood. If a time limit is made a condition of approval the special permit may be revoked for due cause after a public hearing.
- 6.13.9 A request to renew the accessory apartment use or transfer it to another property owner shall require the approval of a new special permit.
- 6.14 Residual Lots (Effective 2-13-02)
- [no changes]
- 6.15 Stormwater Management (Effective 3/14/14, Revised 02/25/15)
- [no changes]
- 6.16 Medical Marijuana Dispensary and Production (Effective 4/28/14)
- [no changes]

SECTION 7: ADMINISTRATION

Section 7.1 Enforcement

7.1.1 Zoning Enforcement Officer

The Town Manager shall appoint a Zoning Enforcement Officer, and may appoint one or more Deputy Zoning Enforcement Officer(s) who shall have the responsibility and authority to enforce the provisions of these regulations. Such Officer may cause any building, land or use to be inspected and may order in writing any person to correct or abate any condition violating these regulations. He shall keep on file for public inspection a full and accurate record of all applications, permits, certificates and other records pertaining to his duties.

7.1.2 Penalties

Any person, firm or corporation, violating any of the provisions of this regulation shall for each violation upon conviction thereof pay a penalty as set forth in the Connecticut General Statutes.

7.1.3 Zoning Citation Ordinance

In addition to the enforcement procedures and penalties set forth in the Connecticut General Statutes, any person, firm or corporation, violating any of the provisions of the Zoning Regulations may be cited and fined pursuant to Chapter 13, Article IV, and Chapter 2 Article XVI, Section 2 of the Newington Code of Ordinances, Zoning Citation, adopted in accordance with Section 8-12(a), Connecticut General Statutes.

Section 7.2 Zoning Permits

7.2.1 Application for Zoning Permit

Prior to the construction, reconstruction, change of use, enlargement, extension, moving or structural alteration of any sign, building or other structure (other than a permitted fence), and prior to any occupancy, use or change in use of any land, building, or other structure or part thereof, an application for a Zoning Permit shall be submitted to the Zoning Enforcement Officer. If the Zoning Enforcement Officer shall find the proposed building or other structure or use in compliance with these regulations, he shall issue a Zoning Permit, provided no such permit shall be issued for a use requiring a site plan, special permit or special permit, until such site plan, special permit or special permit has been granted by the Commission.

The Zoning Enforcement Officer may require a plot plan to indicate the location of the structure and measures to control soil erosion that shall be in place prior to the start of construction. (Effective 3-4-2011)

7.2.2 No building permit shall be issued unless a zoning permit has been issued by the Zoning Enforcement Officer. Zoning and building permits may be issued simultaneously or separately.

7.2.3 Certificate of Zoning Compliance

Prior to the issuance of any Certificate of Occupancy by the Building Official, an application for a Certificate of Zoning Compliance shall be submitted to the Zoning Enforcement Officer. If the Enforcement Officer finds the building or other structure or use in compliance with an approved site plan, special permit or permit, and with these regulations, he shall issue a Certificate of Zoning

Compliance. Certificates of Occupancy and Zoning Compliance may be issued simultaneously or separately.

A certificate of Zoning Compliance may be issued for individual buildings within a multi building complex that are in compliance with the provisions of the approved site plan, special permit or special permit even though other structures in the complex are not yet in compliance and provided bond surety has been posted pursuant to Section 7.3.

The Zoning Enforcement Officer shall provide a Statement of Zoning Compliance upon request, and upon payment of the fee established by the Town Council.

- 7.2.4 Permits required by this section are in addition to, and not in lieu of, all other permits and certificates required by other ordinances and regulations of the Town.

Section 7.3 Surety

The Commission may require adequate surety to insure that the improvements shown on such plan are made. Surety will not be required if all the improvements are completed prior to the application for a Certificate of Zoning Compliance.

7.3.1 Procedure

If a Certificate of Zoning Compliance is desired prior to the completion of all the site improvements shown on a site plan, the following procedure shall be followed.

- A. The site must be constructed, developed or improved to a condition adequate for safe access or movement of people and goods on the premises.
- B. The Developer shall notify the Town Planner of intention to post Surety for completion of the site plan improvements. The Town Planner shall coordinate the posting of this Surety with the Town Engineer and the Town Manager.
- C. The Developer shall provide the Town Engineer with an estimate of the cost of completion. The Town Engineer shall review the estimate and submit a recommended amount of surety to the Town Planner.
- D. The Developer shall post cash or other negotiable security with a forfeiture clause, as approved by the Town Manager, with the Manager. The negotiable security that can be accepted by the Town Manager shall be limited to certified check or a letter of credit. No insurance bond will be acceptable.
- E. The Manager will notify the Town Planner that a Certificate of Zoning Compliance may be issued for the structure or use once the Surety is posted.

- F. The time period for the completion of the site improvements covered by the posted Surety shall not exceed one year. If the work is not completed within one year, the Commission shall instruct the Manager to notify the Developer that the improvements are incomplete and that the Surety will be expended by the Town to effect completion of the improvements.

The Town Manager shall notify the Developer (and Surety Company if applicable) in writing of the default, and that if said improvements are not completed in thirty (30) calendar days, weather permitting, (first day shall be the date of the letter), the Town shall correct the deficiency (ies) and execute the Performance Bond and/or Surety to cover the cost to the Town.

The Developer may request the Commission to extend the time period for completion of the improvements for up to six (6) additional months, provided the Commission finds that unusual conditions or undue hardship justify such extension. At the completion of the extension period, the Manager shall be empowered to expend the Surety to effect completion of the improvements, or application may be made to the Commission to renegotiate a final date.

- G. When the Developer has completed the subject improvements or portions thereof, application may be made to the Town Planner requesting the Commission to reduce or release the Surety.
- H. The Commission shall approve the release and reduction of all Performance Bonds and Sureties.

Section 7.4 Design Standards, Site Plan Check List

The Commission shall use the following standards of the review of plans submitted to the Commission for review and action pursuant to Section 5.3 of these Regulations. The construction of any improvements shown on any such plan shall be in accordance with these standards.

7.4.1 Design Manual and Construction Standards

- A. The “Low Impact Development and Stormwater Manual for the Town of Newington” shall be used as a design manual for stormwater management.
- B. The following documents shall be used for construction standards:
 - 1. The current CTDOT publication, as amended, "Standard Specifications for Road, Bridges and Incidental Construction,"

2. Town of Newington, "Specifications for Construction of Roads,"
3. Town of Newington Zoning Regulations,
4. Town of Newington Subdivision Regulations, and
5. Connecticut Landscape Contractors Association's "Standard Specifications for Planting Trees, Shrubs, Vines, etc.".

7.4.2 Map Scales and Sheet Size

All individual site plans and subdivision plans shall be drawn to a scale not to exceed 1" = 40'. The maximum sheet size shall not exceed 24" x 36".

7.4.3 Property Lines

- A. All exterior boundary lines and interior property lines or lot lines shall be shown with a length and bearing for each line. Bearings shall be for a traverse in a clockwise direction. (Class A-2, Transit Survey.) The map shall be certified by a Connecticut registered Land Surveyor.
- B. All abutting properties shall be shown with distances and names of current ownership as shown in the Office of the Town Assessor.
- C. A north arrow shall be shown on each sheet of plans and referenced as True, Magnetic, Grid, etc.
- D. The National Geodetic Vertical Datum is required. When such points are inaccessible, the Town Engineer shall approve any other points.

7.4.4 Street Lines

- A. All street lines for either existing or new streets must be shown on maps with lengths and bearings for a traverse in a clockwise direction. All curve data shall be shown.
- B. At all principal points on street lines, such as block corners, PC's and PT's of curves shall be permanently monumented using concrete survey monuments with brass or bronze discs permanently marked or punched. Minimum monument size is 4"x 6"x 36".

- C. Front and rear property lines shall be marked using metal pins.
- D. All front building setback lines shall be shown with reference to the street lines. Indicate whether this setback line is a standard in accordance with the Zoning Regulations or if such line has been established by the Commission.

7.4.5 Rights-of-Way, Easements or Stream Encroachment Lines

- A. Lengths and bearings of the centerline and each sideline are required together with the established widths. Bearings shall be shown for a traverse in a clockwise direction.
- B. The use of the reserved space must be given, such as: sanitary, gas, water, etc. The applicant shall submit documentation of easement holder for proposed uses of the right-of-way (R.O.W.)
- C. Where a R.O.W., easement, or encroachment crosses street or property lines, the location of the centerline and sidelines must be shown together with tied distances from property corners or street monuments.
- D. In all areas where roads or streets or any other type structure is in cut or fill, show slope easement rights to provide for a minimum 2:1 slope outside of standard right-of-way widths.
- E. Stream encroachment lines where crossing property under development, must be shown and must comply with those lines as officially adopted by the State of Connecticut Environmental Protection Agency (Mill Brook and Piper Brook), or the Town of Newington (Rock Hole Brook and Webster Brook).

7.4.6 Driveway and Parking

- A. For any development requiring site plan approval, all new driveways and parking areas shall be constructed in accordance with Section 6.1.1.K. Driveways shall conform to Town of Newington Specifications for Private Streets and Parking Lots. See typical cross-sections in Section 6.
- B. Each parking space shall be shown. See typical details in Section 6.
- C. Driveways shall be at least 28' in width from the face of curb.

- D. Maximum permitted grade for a driveway is 10%. Maximum grade for a parking area is 5%. Cross pitch on any driveway shall not exceed 5%.
- E. No parking will be allowed within a street right-of-way unless specifically authorized by the Town in order to provide additional public parking within the B-TC district.
- F. Horizontal and vertical control for driveways shall conform to Residential Street requirements. Where driveways intersect with streets or other driveways, the radius of the gutter shall be a minimum of 25'.

7.4.7 Elevations, Grades, Existing and Proposed

- A. All elevations are to be on North American Vertical Datum, NAVD 88.
- B. Contour lines are required on all plans or maps. Both the existing ground and the proposed finish grading must be shown and clearly labeled as to each type. Contour lines shall be shown at an interval of 2 feet, except where area is almost level (less than 1%). On level areas, "spot" elevations may be used. Contour lines must extend at least 50 feet into adjacent properties to depict actual conditions. Existing contours in excess of fifteen (15%) percent gradient and rock outcroppings shall be identified by shading the area that meets this criterion. (Effective 3-4-2011)
- C. Unless modified by the Commission in order to implement low impact development techniques, minimum continuous slope across grass shall be 1%; minimum slope across pavement shall be 0.6%; and maximum slope across parking lot shall be 5%.
- D. Show existing and proposed ground elevations for finishing grading at all corners of buildings and structures except for individual residences.

7.4.8 Walls and Slopes

- A. Maximum earth slopes shall not exceed 2:1 (2 feet horizontal to 1 foot vertical). Where steeper slopes are needed, retaining walls or rip-rap are required. If the difference in grade at a property line exceeds 3 feet, then a retaining wall with fence at top is required, unless sloping can be done with the property itself.

Where a retaining wall is proposed it shall be topped with a suitable barrier or fence with a minimum height of four (4) feet. The back of any retaining wall shall not be closer than five (5) feet to an adjacent property boundary line.

- B. Retaining walls shall be designed to provide footings below the frost line in the ground. Where the total height of the retaining wall exceeds 4 feet or retains unbalanced fill, design calculations by a Registered Professional Engineer must be provided for approval of such walls.
- C. The regrading of the property shall not result in the removal of natural exposed rock faces and bedrock outcropping, except that the Commission may permit removal when necessary and 2:1 (2 feet horizontal to 1 foot vertical) slope can be achieved by terracing to ensure stabilization and replanting as determined by the Commission. (Effective 3-4-2011)

7.4.9 Sidewalks and Curbs

A. Public Streets

- 1. All sidewalks and curbs in public streets shall be constructed to the standards of the Town of Newington.
- 2. All sidewalks shall be made of concrete or pervious concrete or pervious pavers or other materials acceptable to the Town, be at least 4 feet wide, and designed in accordance with the Town's construction standards and the American with Disabilities Act.
- 3. The requirement for curbing on a public street may be modified or waived by the Commission in order to implement low impact development techniques.

B. Private Property

- 1. Curbing in commercial developments shall be concrete or granite for entrance and exit drives and parking islands.
- 2. A 6" continuous bituminous curb is required on the perimeter of all private parking lots.
- 3. For a development approved by the Commission as a site plan or special permit, the requirement for curbing in a private

parking area may be modified or waived by the Commission in order to implement low impact development techniques.

4. For other development not requiring approval by the Commission, the requirement for curbing in a private parking area may be modified or waived by the Town Engineer in order to implement low impact development techniques.
5. Curbing is not required for parking space adjacent to driveway for individual residences.

7.4.10 Street Lines and Grades

- A. The minimum right-of-way width for any proposed street is shall be in accordance with the Subdivision Regulations. Other rights-of-way may be greater in width when required by the Commission.
- B. For existing streets, the adopted street line grade shall be used. For new streets, the street line grade shall be designed in such a manner as to avoid the formation of deep cuts or high fills.
- C. A plan and profile shall be submitted to the office of the Town Engineer to a scale of 1" = 40' horizontal, and 1" = 4' vertical, for approval of new streets and main private driveways. On all plan sheets, the finish grade shall be shown at 50 foot intervals at the street line, at each side of driveways and at each property corner. Adequate site distance shall be provided.

7.4.11 Water

The water supply system of any building used for human occupancy shall be connected to Metropolitan District Commission system or, where appropriate the New Britain Water Department system.

7.4.12 Sewer

The sanitary system of any building used for human occupancy shall be connected to the public utility system, if available. A public sanitary sewer system shall be considered available to a building when the property line is located within 200 feet of an existing public sewer or when a new sewer line within 200 feet of the property line will be operational prior to the issuance of a Certificate of Occupancy.

7.4.13 Storm Drainage

All work shall be done in accordance with *Town of Newington Low Impact Development and Stormwater Manual* specifications. Hydraulic calculation must be submitted to the Town Engineer at the time of application for site plan development.

- A. Standard State of Connecticut catch basin with sump required.
- B. 12" minimum pipe size required for catch basins within the site.
- C. 0.5% minimum acceptable grade for pipe.
- D. 2.0' minimum cover over pipe except in street where 2.5' of cover is required.
- E. On state highways and Town of Newington streets, the minimum size shall be 15" R.C. pipe.
- F. Design storm system to handle the surface run-off from a storm having a 10-year frequency. Use 5 minute time of concentration for small parking lots. Large parking lots may require other standards, as determined by the Town Engineer. The computation shall consider all drainage areas contributing to the site, whether within the site or outside of it, based on upstream development from existing zoning or Town's Plan of Development for most intensive use.
- G. Show all roof drains -- type, size, location and point of connection to storm sewer. Specify invert elevation at point of connection. This requirement applies to all building structures except single-family housing. Roof leaders shall be piped (underground) into the on-site drainage system.
- H. Where the proposed storm system is to be connected to an existing State of Connecticut drainage system, computations shall meet State design standards.
- I. Drainage agreement must be signed where private connection is made into Town of Newington system.

7.4.14 Utilities

- A. All existing utilities in the street and in right-of-way shall be clearly shown. This includes both the horizontal plan and the

vertical profile. Included within this group are electrical and telephone underground wires or ducts.

- B. All proposed utilities shall be located underground.
- C. All exterior mechanical equipment shall be shown whether on the roof or ground mounted.
- D. Lighting
 - 1. Lighting for parking areas, drives and general use shall be in fixtures with shielding or cut-off which direct the light to its intended location. No light shall be directed off the premises.
 - 2. Lighting attached to commercial or industrial buildings to illuminate service bays, loading docks or similar purposes, shall be in fixtures which direct the light toward the intended use area. Spotlights and bare bulbs are not permitted.
 - 3. Lighting for multi-family residential uses shall be located in decorative fixtures. Poles for lighting fixtures shall not exceed 17 feet in height. Lighting attached to buildings shall be decorative and intended primarily for safety. No bare bulbs or spotlights are permitted.
 - 4. Overall height of base, poles or standard and fixture for lighting in all non-residential uses shall not exceed 17' from the surrounding ground.

7.4.15 Cultural Features including Flood Plains, Inland Wetlands and Slopes.

- A. Show location and type of trees 6" diameter and larger, either existing or proposed, and all evergreens including shrubs. For area of solid woods, show outline of forest land parts.
- B. Include location of all existing fences and structures, existing or proposed, in the site plan.
- C. Show in detail any low areas that will not self-drain (swales) and location of all swamp areas.
- D. Existing contours in excess of fifteen (15%) percent gradient and rock outcroppings shall be identified by shading the area that meets this criterion. These areas shall be kept in their natural condition and not modified unless approved by the Commission pursuant to a special permit in accordance with Section 5.2.

7.4.16 Headwalls and Channel Protection

- A. Where the storm drainage system discharges into any natural drainage course (brook, river, etc.), headwalls at the end of any pipe are required together with adequate armoring of channel banks to provide protection from water erosion; in general, equivalent to 50 S.F. of rip-rap for a 15" pipe and increase this amount proportionately for larger sizes of pipe.
- B. Designs for headwall or end walls shall be submitted to the Town Engineer for approval. Where water velocities are high (more than 3 F.P.S., aprons with energy dissipating devices may be required together with adequate armor.

7.4.17 Snow Removal

Provisions shall be made for the storage of snow from parking areas within the site, in a location which is both appropriate and not required for other purposes. The area shall be shown on the plan as "Snow Storage Area".

7.4.18 Building or Structure Elevations

On all site plans, the finished first floor or top of foundations elevation together with basement floor elevation, must be shown.

7.4.19 Fencing

- A. Substantial fencing (chain link not less than 4' high) shall be required in all areas close to pedestrian or vehicular traffic where hazardous conditions exist. This includes the top of high retaining walls, headwalls, top of steep embankments, or near vertical embankment into stream courses. The determination of any fencing requirement will be made by the Commission based upon the particular situation or location.
- B. Fencing in non-residential uses shall not exceed 4' in height in the front yard, subject to Section 4.4.2, nor 8' in height in side or rear yards. Fencing in locations outside of yard areas shall not exceed 12' in height.
- C. Fencing in residential uses shall not exceed 4' in height in the front yard, subject to Section 4.4.2, nor 6' in side or rear yards or elsewhere on the site.

- D. Fencing on corner lots shall not exceed 4' in height along the two (2) front sides of the property and may only be increased to 6' in height starting at the rear street side corner of the dwelling unit. The fence height and placement cannot impede corner visibility and shall conform to all applicable traffic standards as determined by the Town Engineer (Effective 10-3-08).

7.4.20 Building Locations

- A. Buildings shall be located showing the required front yard setback distance from the front property line and the closest distance from the building to each side of the lot or area. Locating one building from another is not acceptable when two or more buildings are included.
- B. Overall dimensions and proposed gross floor area of each building must be shown including any irregular areas or jogs.

7.4.21 Erosion and Sedimentation Control

The "Guidelines for Soil Erosion and Sediment Control," Connecticut DEP, January 1985 will be used as the minimum standard for the design of erosion and sediment control measures.

7.4.22 Certification

Residential, Commercial and Industrial Site Plans: The seals of a Professional Engineer, Land Surveyor and Landscape Architect, licensed to practice in the State of Connecticut, must be stamped or embossed on each sheet where each shall have responsibility in the development of the site plan as outlined in the Rules and Regulations of the associated Board of Registration.

7.4.23 Map Title

There shall be a Title Block which shall contain the following information:

- A. Street Address of property
- B. Owner of property, and the name of the developer if different
- C. Date
- D. Scale
- E. Name(s) or Person(s) making map

7.4.24 Actual field conditions may be different or changed from those conditions assumed in the preparation of this plan, and in such

circumstances, the Town Engineer may direct that certain modifications or amendments be effected and constructed to ameliorate such changed conditions.

- 7.4.25 Additional requirements may be stipulated by the Commission for sidewalks, curbing, retaining walls, pavement construction, stormwater management, etc. on those site plans on which it has conditional approval, if it finds that unusual or special conditions of the property warrant such changes.
- 7.4.26 These requirements may be modified or reduced by the Commission if it finds that unusual or special conditions, including increasing the utilization of low impact development techniques, warrant a waiver from the strict interpretation of these standards.
- 7.4.27 All work in connection with such site plan shall be completed within five years after the approval of the site plan. The Certificate of Approval of such site plan shall state the date on which such five-year period shall result in automatic expiration of the approval of such site plan. “Work” for the purposes of this Subsection, means all physical improvements required by the approved site plan.
- 7.4.28 Filing of Approved Site Plans
- A. Approval of site plans which require the signature of the Chairman prior to filing shall not become effective until the following steps are completed:
 - 1. The conditions are incorporated onto the plan;
 - 2. A transparency of the Certificate of Action is affixed to the original plan mylar;
 - 3. The original plan mylar is signed by the TPZ Chairman; and
 - 4. The signed original plan mylar is filed in the Town Plan and Zoning Office.
 - B. Special Permits will not become effective until the Certificate of Action is filed by the applicant on the Land Records of the Town of Newington.
 - C. The Commission reserves the right to require, in addition to mylar fillings, the submission of plan data in Connecticut State Plane Coordinate System NAD83, units: US Feet for incorporation into the Town Planning Department’s GIS data base.

7.4.28 Signature Block

Approved by the Town Plan and Zoning Commission under
Petition # _____ at meeting of _____

Date

Chairman

Section 7.5 Forms

7.5.1 Application Form

The Application Form is available at the Building and Town Planning Departments.

7.5.2 Procedures to be followed when submitting the application:

- A. The application shall be typed or neatly printed.
- B. Maps and plans, as defined in the applicable regulations, shall be submitted as follows: five full-size (24" x 36") sets, and ten half-size (11" x 17 or 18" x 24") sets.
- C. An application fee, as appropriate, shall accompany the application.
- D. Application for Zone Change shall be accompanied by a map of the subject property(s) and all properties within 500 feet, and names and addresses of all property owners within 500 feet.
- E. Application for subdivision and resubdivision shall comply with the requirements set forth in the Town of Newington Subdivision Regulations.
- F. Application for a Special Permit shall comply with this regulation.
- G. Application for a Site Plan of Development shall comply with the Site Plan Check List.
- H. In accordance with Connecticut State Statutes, all applications will be acted upon by the Town Plan and Zoning Commission, or a public hearing will be opened, within 65 days of receipt of the application unless an extension is granted by the applicant.

7.5.3 Fee Schedule

Fee for permits and copies of regulations shall be set by the Commission as it determines to be appropriate.

Section 7.6 Amendment

7.6.1 Initiation

On its own initiative or on receipt of a written application to amend any portion of these regulations, the Commission may amend the regulations or change the boundaries of the zones herein established after public hearing in accordance with the State Statutes.

7.6.2 Protest

If a protest is filed at such hearing with the Commission against such change, signed by owners of 20 percent or more of the area of lots included in such proposed change, or of the lots within 500 feet in any direction of the property included in the proposed change, such change shall not be adopted except by a vote of two-thirds of all members of the Commission.

7.6.3 Applications

Any person or persons who are property owners or residents in the Town of Newington may make written application for amendment of these regulations on prepared forms at the office of the Town Planner, to be signed by the applicant. A plan giving proposed boundaries must accompany each application for a change in zoning boundaries.

Section 7.7 Validity

If any section, clause, provision or portion of these regulations shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect or impair any other section, clause, provision or portion of these regulations.

Section 8.1 Powers and Duties

The Zoning Board of Appeals, hereinafter called the Board, as authorized by Section 8-6 of the Connecticut General Statutes, shall have the following powers and duties:

- 8.1.1 It may adopt such rules and regulations as may be necessary to carry out these regulations.

- 8.1.2 It shall hear and decide appeals where it is alleged that there is error in any order or decision of the Zoning Enforcement Officer.
- 8.1.3 Granting a variance from the specific terms of these regulations. Such variance may be granted by the Board only if all of the following circumstances apply and the Board shall make a written finding in its minutes as a part of the record in the case.
- A. A written application for a variance is submitted demonstrating:
1. That special conditions and circumstances exist which are peculiar to the land, structure or building involved which are not applicable to other lands, structures or buildings in the same zone;
 2. That literal interpretation of the provisions of these regulations would deprive the applicant of rights commonly enjoyed by other properties in the same zone under the terms of these regulations and their application would result in exceptional difficulty and unusual hardship to the petitioner.
 3. That the special conditions and circumstances do to result from the actions of the applicant;
 4. That granting the variance requested will not confer on the applicant any special privilege that is denied by these regulations to other land, structures or buildings in the same zone; and
 5. That granting of the variance will be in harmony with the general purpose and intent of these regulations, and will not be injurious to the neighborhood, otherwise detrimental to the public welfare.
- B. No nonconforming use of neighboring lands, structures or buildings in the same zone, and no permitted use of lands, structures, or buildings in other zones shall be considered grounds for the issuance of a variance.
- C. In granting a variance, the Board may prescribe appropriate conditions and safeguards in conformity with these regulations. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this regulation.
- D. Under no circumstances shall the Board grant a variance to allow a use not permissible under the terms of this regulation in the zone involved, or any use expressly or by implication prohibited or otherwise regulated by special permit by the terms of this regulation in said zone.

Section 8.2 Membership and Procedure

8.2.1 The Board shall consist of 5 members to be appointed by the Newington Town Council. One of the original members shall be appointed to serve one year, one member for 2 years, one member for 3 years, one member for 4 years and one member for 5 years. Thereafter, one member shall be appointed to said Board annually for a term of 5 years. An appointment to fill a casual vacancy shall be only for the unexpired portion of the term.

8.2.2 Meetings

Meetings of the Board shall be held at such times as the Board may determine, or upon call of the Chairman. All meetings shall be open to the public. The Board shall adopt its own rules of procedure and shall keep a record of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact; and shall keep records of its examinations and other official actions. Every rule or regulation, every amendment or repeal thereof and every order, requirement, decision or determination of the Board shall immediately be filed in the office of the Board and become a public record.

8.2.3 Appeals

Appeals from the decision of the Zoning Enforcement Officer may be made to the Board of Appeals by a person aggrieved or by any officer, department, board or bureau of the town affected by any decision of the Zoning Enforcement Officer. Such appeal shall be taken within a reasonable time as provided by the rules of the Board by filing with the Board of Appeals a notice of appeals specifying the grounds thereof. The Zoning Enforcement Officer shall forthwith transmit to the Board all papers constituting the record from which the action appealed was taken.

8.2.4 The Board shall hear appeals from alleged errors of the Enforcement Office de novo, and may in accordance with the provisions of these regulations reverse or affirm, wholly or partly, or may modify any such order, requirement, decision or determination of the Enforcement Officer, to decide in favor of the appellant or any matter upon which it is required to pass under these regulations or to permit a variance from the strict application of the provision of these regulations.

8.2.5 The Board shall hold a public hearing on all appeals and applications for variances. The Board shall fix a reasonable time for such hearings and publish a notice thereof in a newspaper of general circulation within the Town in accordance with the State Statutes. At such hearings any party may appear in person or by attorney. Such permit, variance or reversal of a decision of the Enforcement Office, shall become effective at such time as may be fixed by

the Board, provided a copy thereof shall be filed in the Office of the Town Clerk, and notice of such filing shall have been published in a newspaper having substantial circulation in the municipality before such effective date.

- 8.2.6 A The applicant shall place on the property subject to the public hearing a sign provided by the Town of Newington providing notice of the scheduled hearing. This sign shall be placed in a location that is easily visible to the public at least ten (10) calendar days prior to such hearing.
- 8.2.6 All determinations of the Board shall be made in accordance with the Comprehensive Plan set forth in these regulations, and in harmony with the purpose and intent as expressed in the preamble hereof and in the Connecticut State Statutes.
- 8.2.7 In addition to these general rules of guidance and to particular requirements specified in these regulations, no permit shall be authorized by the Board if it finds in any case that the proposed building or proposed use of land or building:
 - A. Will create or increase a traffic or fire hazard;
 - B. Will block or hamper the pattern of highway circulation; or
 - C. Will tend to depreciate the value of property in the neighborhood, or be otherwise detrimental to the neighborhood's essential character.

SECTION 9: APPENDIX

Section 9.1 Rules

In the construction of this regulation, the rules and definitions contained in this section shall be observed and applied, except where the context clearly indicates otherwise.

- 9.1.1 Words used in the singular shall include the plural, and the plural the singular; and words used in the present tense shall include the future.
- 9.1.2 The word "shall" is mandatory and not discretionary.
- 9.1.3 The word "may" is permissive.
- 9.1.4 The word "lot" shall include the words "piece" and "parcel".
- 9.1.5 The words "zone", "zoning district" and "district" have the same meaning.

- 9.1.6 The phrase "used for" shall include the phrases "arranged for," "designed for," "intended for," "maintained for" and "occupied for".
- 9.1.7 The phrase "these regulations" shall refer to the entire Zoning Regulation.
- 9.1.8 Use of land, buildings or structures not clearly permitted in the various zones are prohibited.

Section 9.2 Definitions

ACCESSORY BUILDING OR USE: A building or use which is subordinate to and serves a principal building or use; and is subordinate in area, extent, or purpose to the principal building or principal use served; and is located on the same zoning lot as the principal building or use served.

ACCESSORY APARTMENT: A separate living unit within the principal single-family dwelling but subordinate to the principal dwelling in terms of size and appearance. The accessory apartment shall have at least one internal doorway connection into the principal dwelling. The accessory apartment shall have common utilities with the principal dwelling and shall not have separate metering devices. The provision of a second kitchen in a single-family dwelling unit without a separate living unit is not an accessory apartment and is permitted subject to the required building permits.

APARTMENT: A residential structure containing not less than 4 dwelling units, or a group of such buildings.

AREA OF SPECIAL FLOOD HAZARD: The land in the flood plain within a community subject to a one percent or greater chance of flooding in any given year.

BASE FLOOD: The flood having a one percent chance of being equaled or exceeded in any given year.

BUILDING: An independent structure having a roof, and including shed, garage, stable, greenhouse, or other accessory building. A detached building is one separated on all sides from adjacent buildings by open spaces from the ground up.

BILLBOARD: A sign that directs attention to a business, commodity, service, or entertainment conducted, sold, or offered at a location that may be other than the premises on which the sign is located.

BUILDING LINE: A legally established line, between which and the public right-of-way no structure may be constructed.

CEDAR MOUNTAIN TRAPROCK RIDGELINE: the line on the Cedar Mountain traprock ridge created by all points at the top of a fifty per cent slope, which is maintained for a distance of fifty horizontal feet perpendicular to the slope and which consists of surficial basalt geology,

identified on the map prepared by Stone et al., United States Geological Survey, entitled "Surficial Materials Map Of Connecticut" The base map for traprock ridgeline topographic delineation shall be the current publicly available Metropolitan District Commission maps for the Town of Newington. (Effective 5-20-05)

CEDAR MOUNTAIN RIDGELINE SETBACK AREA: the area bounded by (A) a line that parallels the ridgeline (as defined above) at a distance of one hundred fifty feet on the more wooded area of the ridge, and (B) the contour line where a ridge of less than fifty percent is maintained for fifty feet or more on the rockier side of the slope. Manmade slopes of 50% or greater shall not be considered as a part of any traprock ridgeline. The burden of proof that such a slope area is manmade shall be on an applicant who owns or desires to use the property containing such slopes. (Effective 5-20-05)

CERTIFICATE OF ZONING COMPLIANCE: A statement, signed by the Enforcement Officer, setting forth either that a building or structure complies with the zoning regulation or that a building, structure or parcel of land may be lawfully employed for specified uses, or both.

CLUB: An organization of persons incorporated pursuant to law, which is the owner, leasee or occupant of an establishment operated solely for the recreational, social, patriotic, benevolent or athletic purposes, but not for pecuniary gain, and includes the establishment so operated.

COMMISSION: The Newington Town Plan and Zoning Commission.

COUNTRY CLUB: A private membership organization for outdoor recreation.

DECK: A platform or floor which may be free standing or maybe attached to the principal structure shall be considered a part of the principal structure and shall comply with all yard setback requirements excluding decks constructed as part of an above or in ground pool.

DEVELOPMENT: Any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or permanent storage of materials or equipment.

DUPLEX HOUSES: Two dwellings under one roof at the same level. Each unit within a duplex structure shall have a minimum lot area of 4,000 square feet.

DWELLING: A building or portion thereof designed exclusively for residential occupancy; including one-family, two-family and multiple dwellings, but not including hotels, motels or boarding houses.

DAY CARE CENTER: Family Day Care Homes, Group Day Care Homes, Child Day Care: A place in which three or more children, not of common parentage, between the ages of six months and 14 years, who stay for a period exceeding one (1) hour during any day each week, irrespective of compensation or regards.

FAMILY: One or more persons occupying a single housekeeping unit and using common cooking facilities, provided that unless all members are related by blood or marriage, no such family shall consist of more than 5 persons.

FARM: A parcel of land containing not less than 5 acres, used for raising crops and/or livestock and poultry, and including dairy farms, plant nurseries and green houses.

FARMERS' ROADSIDE STAND: A temporary table or bench having a maximum area of 40 square feet which must be removed as soon as the produce grown on the premises has been seasonally disposed of.

FLOOR: means the top surface of an enclosed area in a building (including basement) i.e., top of slab in concrete slab construction or top of wood flooring in wood frame construction. The term does not include the floor of a garage used solely for parking vehicles.

FLOOR AREA, RESIDENTIAL: The sum of the horizontal area of the several floors of a dwelling measured from the outside, excluding cellar floor areas, basement rooms, garages, porches, open attics or unfinished rooms. In split-level houses, the first 2 levels may be counted as one floor, provided the difference in floor levels is less than 5 feet.

FUELING STATION: A place where gasoline and other supplies for motorists are sold.

GARAGE: Every place of business where motor vehicles are, for compensation, received for housing, storage or repair.

GARAGE, PARKING: A multilevel structure which provides spaces for passenger vehicles and light trucks. A parking garage shall be located on the same lot with the principal use it serves or it may be an accessory use providing joint parking for two or more principal uses within a radius of 500 feet.

GARAGE, PRIVATE: An accessory building for housing not more than 2 motor vehicles, one of which may be a commercial motor vehicle of not over one ton registered capacity. Garage space may be provided for one additional motor vehicle for each 3,000 square feet of lot area in excess of 14,000 square feet.

HEIGHT OF BUILDING: The vertical distance measured from the average level of the finished grade at the 4 corners of the building to the highest point of the roof for flat roofs; the deck line for mansard roofs; and to the mean height (level) between eaves and ridge for gable, hip or gambrel roofs.

HELIPAD FACILITY: A privately owned and operated facility that is designated for the landing and take-off of noncommercial privately owned helicopters. Such facility shall comply with all applicable State and Federal laws and regulations.

HOME OCCUPATION: Any use customarily conducted entirely within a dwelling unit, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and

carried on by the residents of the premises and no more than one non-resident employee. Such use must occupy a floor area not more than 25% of the floor area of the dwelling unit; must not create a nuisance, odor, noise, glare, vibration, or safety hazard noticeable off the premises; there shall be no outside storage of material or display of stock-in-trade; no exterior evidence of the activity carried on shall be visible from outside the building; and shall not include the sale of articles not made or assembled on the premises.

HOTEL: Any building having 10 or more sleeping rooms or where accommodations for more than 20 persons are provided; in which building, for compensation, lodging is provided with or without meals.

IMPERVIOUS SURFACE: Any material or structure on or above the ground that prevents water from infiltrating through to the underlying soil. Impervious surfaces include paved parking lots, rooftops, driveways, patios (i.e., solid or open-joint patios or decks with an underlying impervious surface), paved roads, water surfaces (i.e., pools, ponds, fountains, etc.), and highly compacted soils. Impervious surfaces exclude permeable pavement that is designed, constructed, and maintained to allow stormwater to drain through the surface, including porous asphalt, porous concrete, permeable interlocking concrete pavers, concrete grid pavers, plastic turf reinforcing grids, and similar materials or products identified as “permeable” or “pervious” by the manufacturer, however these surfaces may be considered “impervious” by the Town when calculating a parcel’s impervious coverage. An underground parking structure shall be considered an impervious surface if there is less than 3 feet of soil cover.

JUNK: Any refuse, waste, or discarded material of any type or kind.

JUNKYARD: Any land or building used in whole or in part for the collecting, storage, and/or sale of waste paper, rags, scrap metal, or other similar material and including an automobile junkyard as defined by State law, but not including Town refuse disposal areas.

LOT: A parcel of land which is or may be occupied by a building, building groups and accessory buildings, including the open spaces required under these regulations.

LOT, CORNER A lot abutting 2 or more streets at their intersection.

LOT DEPTH: The mean horizontal distance between the front lot line and the rear lot line.

LOT FRONTAGE: That portion of a lot nearest the street as measured at the street right-of-way. Where the side lines diverge from the street toward the rear of the lot, the lot frontage may be considered the distance between the side lines measured at the front line. Where the side lines converge from the street toward the rear of the lot, the lot frontage shall be the average width measured at right angles to the lot depth. For rear lots, the rear lot line of the front lot is the frontage of the rear lot.

LOT, INTERIOR: A lot, the side lines of which do not abut the street.

LOT LINE: A line of record bounding a lot that divides one lot from another lot or from a public or private street or other public space.

LOT OF RECORD: An area of land designated as a lot on an approved plot or subdivision as described on a deed duly recorded according to statute.

LOT, THROUGH: A lot having frontage on two parallel streets.

LOT, ZONING: A single tract of land located within a single block which at the time of filing for the building permit is designed by its owner or developer as a tract to be used, developed, or built upon as a unit, under singled ownership or control, and therefore may not coincide with a lot of record. Except where specifically indicated as a lot of record, all lots referred to in these regulations are zoning lots.

LOW IMPACT DEVELOPMENT TECHNIQUES: The application of site design and stormwater management (such as, but not limited to, infiltration of rainwater, treatment of stormwater runoff, and runoff attenuation) in order to mimic the hydrologic conditions associated with an undeveloped site. Such techniques may be found in the *Low Impact Development and Stormwater Manual for the Town of Newington* (2013, as amended), the *Connecticut Stormwater Quality Manual* (2004, as amended), the *Low Impact Development Appendix to the Connecticut Stormwater Quality Manual* (2011, as amended), or other sources acceptable to the Commission.

MIXED OCCUPANCY: Occupancy of a building or land for more than one use.

MOTEL, EFFICIENCY UNIT: A dwelling unit which provides a sleeping room and a kitchen or other food preparation area which is equipped with facilities that may include but not limited to refrigerator, stove, microwave oven or hot plate intended to be used for housekeeping rather than transient occupancy. Such units are prohibited.

MOTELS, MOTOR COURTS, TOURIST COURTS: Any building having 2 or more sleeping rooms for the accommodation of transient guests, with a separate entrance for each rental unit.

NEW CONSTRUCTION: Structures for which the "start of construction" (see definition, following) commenced on or after the effective date of these regulations.

NONCONFORMING USE OR STRUCTURE: Any land, building or structure or their use which does not comply with all of the requirements of these regulations governing the zone in which it is located.

PASSENGER VEHICLE: Any automobile which is registered as a passenger vehicle by the Connecticut Department of Motor Vehicles.

PATIO HOUSES: A detached single family dwelling that is designed as part of a Residential Planned (RP) Zone development. Each patio house shall have a minimum lot area of 4,500 square feet.

PORCH: A roofed, open structure projecting from the front, side or rear wall of a building, and having no enclosed features of glass, wood or other material more than 30 inches above the floor thereof, except the necessary columns to support the roof.

RECREATIONAL VEHICLE: A vehicle which is: (a) built on a single chassis; (b) 400 square feet or less when measured at the largest horizontal projection; (c) designed to be self-propelled or permanently towable by a light duty truck; and (d) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

RESTAURANT (INCLUDING CAFE AND ANY OTHER SIMILAR TYPE OF BUSINESS): A commercial structure where food is prepared and/or served for consumption within the building.

SERVICE BUILDING OR USE: A building or use which serves a principal building or use and is designed for community, health, personal and/or food service needs, provided that such uses are limited to the occupants of the principal building only.

SHOPPING CENTER: A group of three or more stores, restaurants and other businesses, in one or more buildings managed as a single entity and having a common parking lot (Effective 7-1-2013).

SIGN. Any object, device, display, or structure, or part thereof, situated outdoors or indoors, which is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event, or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination or projected images.

SIGN, WALL MOUNTED BUSINESS: A sign which is attached to or painted on the building and directs attention to a business, commodity, service or entertainment conducted, sold, or offered within the building where such sign is located.

SIGN, FREE STANDING BUSINESS A sign which is located on the premises of the business, commodity, service or entertainment it advertises and is either erected on a standard or on the ground apart from the premises structures.

SIGN, MECHANICAL AND DIGITAL: A sign which has intermittent illumination by mechanical or digital controls that produce an illusion of movements such as, but not limited to flashing, running, rotating, video graphics, changes in color and brightness. All such signs are prohibited, including signs located inside windows visible to the public, except: (1) time and/or temperature sign and (2) fuel price signs that comply with the standards set forth in Section 6.2.1 (E). (Effective 6-8-2011)

SIGN, A-FRAME OR T-FRAME: A temporary sign not permanently mounted or attached to a structure or the ground.

SIGN, DIRECTIONAL: A sign which provides a notice to motorists or pedestrians directing them to the exit or entrance of a building, parking lot or public street. Directional signs shall not contain the name of the occupant or the use of the building.

SIGN, DIRECTORY: A sign which contains the listing of five (5) or more businesses or organizations elsewhere but not on the premises where such directory is located. Such directory shall state only the names of businesses or organizations and a distance, directional or street address location.

SIGNS, ADVERTISING: A sign which directs attention to a business, commodity, service or entertainment conducted, sold or offered elsewhere than upon the premises where such a sign is located or to which it is affixed. Such signs are prohibited.

SINGLE FAMILY ENTRY LEVEL HOUSING: Means housing for which persons and families pay 30% or less of their gross annual income, where such income is less than or equal to 100% of the area median income for the municipality in which such housing is located, as determined by the U.S. Department of Housing and Urban Development. Housing shall be defined to include mortgage payments, taxes and insurance.

START OF CONSTRUCTION: Includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

STRUCTURE: A combination of materials to form a construction for use, occupancy, or ornamentation whether installed on, above, or below the surface of land or water. This includes a gas or liquid storage tank, as well as a manufactured home.

SUBSTANTIAL DAMAGE: Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

SUPERMARKET GROCERY STORE: A store primarily engaged in the retail sale of grocery items as defined by Section 30-20 of the Connecticut General Statutes. "Primarily Engaged" shall mean having sales of grocery items equaling at least fifty (50%) percent by volume sales.

Volume of sales shall be determined by a fraction where the numerator is the number of grocery items sold and the denominator is the total number of products sold (Effective 7-1-2013).

STREET: Any way dedicated to public use and any way over which the public has a right of vehicular travel. The term "street" shall mean the entire public right-of-way and not the paved portion only.

STRUCTURAL ALTERATION: Any change in the supporting members of a building or structure, such as bearing wall, columns, beams or girders.

SUBSTANTIAL IMPROVEMENT: Any repair, reconstruction or improvement of a structure, taking place over a ten (10) year period, the cumulative cost of which equals or exceeds 50% of the market value (as determined by the Town Assessor) of the structure either

1. Before the improvement or repair is started: or
2. If the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

The term does not, however, include either:

1. Any project for improvement of structure to comply with existing state or local health, sanitary, or safety code specification which are solely necessary to assure safe living conditions; or
2. Any alteration of a structure listed on the National Register of Historic Places or a state inventory of historic places.

TELEPHONE EXCHANGE: A structure with its equipment used or to be used for the purpose of facilitating transmission and exchange of telephone messages between subscribers.

TERRACE: A nature or artificial embankment between a structure and its lot lines.

TOWN HOUSES: Attached dwelling units, generally having at least two floors and attached to other similar units via party walls. Townhouses designed as part of a Planned Residential Zone development shall comply with this zone's overall density standards and shall provide a minimum of 2,000 square feet lot area per unit.

TRAFFIC AUTHORITY: The Town of Newington Traffic Authority.

USE, CHANGE OF: A change in occupancy or activity on land, building or structure from one type of lawful use to another lawful use, such as a change from retail use to wholesale, warehouse use to industrial use, or industrial use to office use.

VARIANCE: Permission to depart from the literal requirements of the zoning regulations.

VEHICLE: Any device suitable for the conveyance, drawing or other transportation of persons or property, whether operated on wheels, runners, cushion of air between it and the surface or by any other means, except those propelled or drawn by human power, or those used exclusively upon tracks.

VEHICLE, PARKED: A car which occupies the same space for less than 24 hours.

VEHICLE, STORED: A car whether or not in operating condition, which occupies the same space, or space on the same lot or in the same building for more than 24 hours.

YARD: The open space that lies between the main exterior wall of the principal building and the nearest lot line.

SPECIAL DEFINITIONS FOR ADULT ORIENTED BUSINESS, ESTABLISHMENTS, USES, ACTIVITIES

[no changes]

Special Section Flood Insurance Program Definitions: (Effective 9-20-08)

[no changes]